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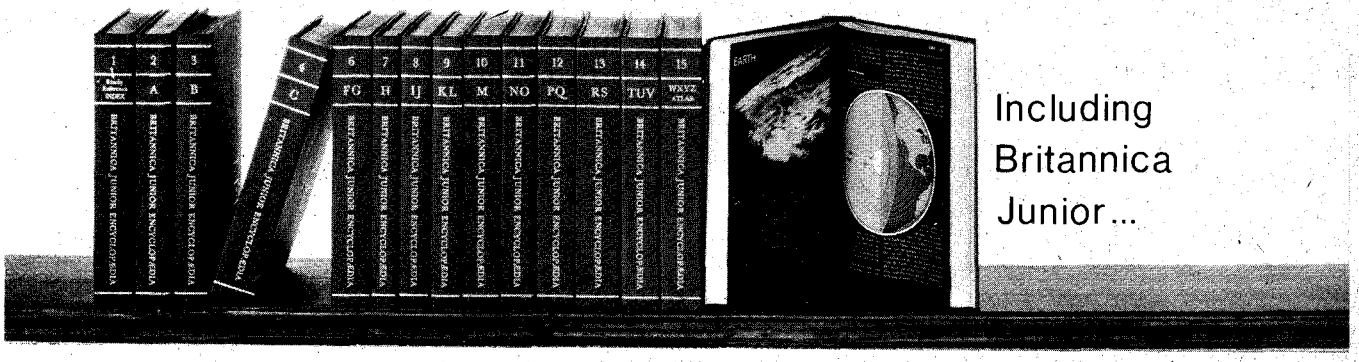

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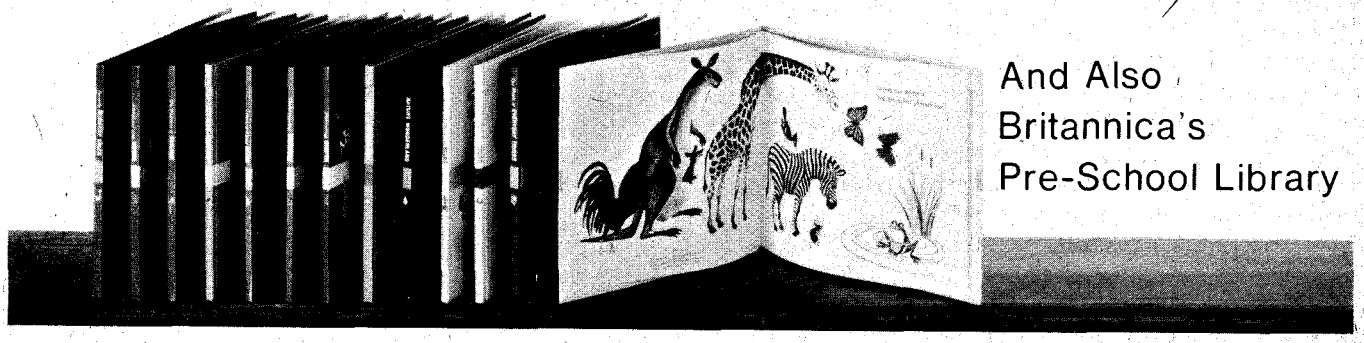

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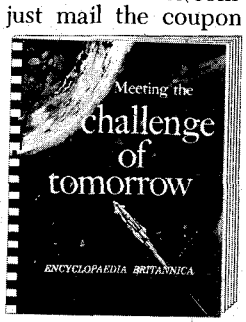

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from Washington
March 3, 1973

Robin Hood in Reverse

It is always gratifying to see a young man who likes his work, and archconservative, square-cut, Harvard-educated Howard J. Phillips (32) loves his; it is to make the 25,000,000 American poor more sturdy and self-reliant. He is doing this as acting director of OEO by tearing down Lyndon Johnson's Office of Economic Opportunity, including its legal services division which gives free legal assistance to the poor. This will make the poor more disciplined and protect their moral fiber, a cause about which Mr. Phillips is almost fanatical.

To some people what President Nixon is doing to the poor, and the way his lieutenants like Phillips are doing it, would seem heartless and cruel but you and I know that it is really good for them.

Somebody has to symbolize this sort of approach and Phillips does very well. He is up for questioning before the House subcommittee of Representative Hawkins (D, Calif.) this week. Phillips served two terms as president of the student council at college, where he graduated in 1962, and he was a founder of the chic far right Young Americans for Freedom. "I believe Richard Nixon epitomizes the American dream," he says. He hates OEO and has been given the delightful job of dismembering it. Why does he dislike OEO? Because it has undermined the family, he says, challenged authority and promoted the welfare ethic. "I personally believe in what I'm going to be doing," he cheerfully tells interviewers, "so it's going to be a very easy job for me . . ."

Caspar Weinberger, the new Health, Education, and Welfare head, has as much dedication as Phillips, but the latter has the enthusiasm of youth.

The other day nine prominent religious leaders from the New York area in a 300-word joint "statement of conscience" charged that the Nixon budget priorities discriminate against the poor. The burden, they said, "will fall most heavily on the poor, the sick, the disadvantaged and those who dwell in our urban slums." If the signers hadn't included a couple of bishops, one Catholic, one Episcopalian, plus a rabbi and a Methodist and others, one would almost have thought they were subversives. After all, what is the Nixon administration proposing? Nothing much; just cuts in housing, welfare relief, slum clearance and things like that. It is shifting $700 million a year in medical and hospital bills from the treasury to the nation's 23 million aged and disabled. So what? This is merely designed to impress upon these elderly patients a sense of "cost awareness." It will strengthen their moral fiber no end.

The Office of Management and Budget also ordered a $160 million cut in veterans' disability benefits that caused a bit of an uproar and was withdrawn. Officials here admit they are rueful about that. The timing, they say, was execrable. They could have saved a lot of money by dropping the ratings for "bone and muscle" damage and by scaling down amputee benefits, but the proposal came right in the euphoria over the returned POWs and there was something unseemly about it.

The administration glided out of it gracefully; explained that it all happened in the Veterans Administration, that Mr. Nixon knew nothing about it, and that they had fired a scapegoat.

The OEO is different. The bright young men that Phillips has brought in to help demolish OEO are having their fun and games. One of them wrote a gleeful 20-page confidential memo on how to commit the murder before Congress caught on, and this document was unfortunately leaked to the press by some enemy of Phillips, of whom there are many. It urged "a swift and successful dismemberment," with "a fait accompli before critics of the Administration can organize effective countermoves." It suggested two conservatives to lead the administration drive in the Senate, Brock (R, Tenn.) or Hruska (R, Neb.) and warned against Senators Cranston, Javits, Nelson, Mondale and Taft who would be "highly vocal, threatening and derogatory."

"Arrogant!" commented Speaker Albert of this episode. Indeed Congress is eager to meet Phillips and to question him about these matters and has scheduled a little session this week.

Phillips ought to meet Mrs. Consuelo Ortiz of Little Rock, a destitute mother of five who can't get legal help with an eviction notice. The OEO runs the federal legal services program with 2500 poverty lawyers, out of 900 offices, in 300 communities, giving free help to the poor. Phillips opposes that too, and Spiro Agnew dislikes it. They claim that it makes the poor uppity. It is strongly defended by the American Bar Association which takes a deep paternal interest in the seven-year program. It helps people like Mrs. Ortiz and sometimes it gets involved in big suits when officials try to crack down on the poor. That recalls what happened in California.

The OEO made a grant to California Rural Legal Assistance in 1970 and somehow or other every time Governor Ronald Reagan tried to reduce welfare expenditures the CRLA got in his way. It had a disagreeable habit of winning its suits too. This infuriated the governor who vetoed the OEO grant in 1971, calling CRLA attorneys "ideological ambulance chasers." That was a nifty phrase. A long contest ensued.

Mr. Nixon's OEO officials didn't want to offend the governor so they set up a blue-ribbon fact-finding commission to investigate the charges composed of three distinguished state retired supreme court justices. The trio heard the 120 charges and brought in a blunt verdict: the evidence didn't show "any justification whatsoever," it said, and it added, "the Commission finds that the charges were totally irresponsible and without foundation."

Oddly enough Spiro Agnew now makes an almost identical charge-by-charge attack on OEO's ongoing legal services program in the September issue of the American Bar Association *Journal*. William R. Klaus, chairman of the ABA's Legal Aid Committee, replied in November followed by two other distinguished lawyers. It's all rather technical but we have to admit that they make poor Spiro Agnew look as though he had gone through an ITT paper shredder.

The simple fact is that the volunteer lawyers of the OEO legal services program are doing a decent and a noble service for the helpless poor all over America. It will be too bad to halt them.

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Rehabilitation Of Vietnam

The United States and North Vietnam on February 14 simultaneously released a communiqué sketching out the broad terms of a postwar "Joint Economic Commission" to handle mutual money transactions. The commission, it said, would be "composed of an equal number of representatives from each side," whose job would be to develop "the economic relationships between the Democratic Republic of Vietnam and the United States." We don't know what that may mean; we wonder if any member of Congress does. Some cite the background comment of a White House official who last year estimated that Indochina would be given $7.5 billion over a five-year period, with $2.5 billion marked specifically for North Vietnam. But those amounts have since been disavowed. Nobody wants to put a price on postwar rehabilitation. Over a year ago Henry Kissinger was said to have presented some such aid possibility to Hanoi, probably representing combined donations of several noncommunist nations. But when he went before the Senate Foreign Relations Committee last week, Secretary of State William Rogers couldn't get away from the subject fast enough; he referred to reconstruction in the vaguest terms: "Major uncertainties prevail . . . the planning is tentative . . . we will consult . . . ask for no support from Congress" until a plan is fully worked out. Asked to comment on a news story alleging that the Pentagon budget has been padded with unneeded funds which could be diverted to Vietnam if Congress doesn't approve a foreign aid bill, the secretary declined to answer. He did grant committee chairman Fulbright a small concession in terminology; he agreed that legally no foreign aid *commitment* has been made. All one can be reasonably sure of at this moment is that the White House has made some sort of promise to Hanoi and Saigon.

Congressmen who customarily go along with administration requests are leery. Rep. Gerald Ford (R, Mich.), the House minority leader, is neither supporting nor opposing aid to the North. His counterpart in the Senate, minority leader Hugh Scott (R, Pa.), hating "the whole idea of spending money on a country where we've recently been at war," says with a sigh that, "If we are engaged in the rehabilitation of the whole country, we will have a great input into how the peace is kept." Sen. Goldwater could "approve the expenditure of some funds to assist our allies in South Vietnam during the postwar

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period," but he thinks "that the reconstruction of North Vietnam should be undertaken by the people who assisted and encouraged the Hanoi government in making war on the South." Sen. Fulbright is for "disengagement" from Asia and believes the postwar plan, as much of it as is visible, would encourage the opposite. Nevertheless on *Meet the Press* February 18, he said he would vote for reconstruction funds, *if* they were part of a "modest program" of general economic aid to poor countries and administered by an independent organization such as the United Nations. Fulbright is not ready to discuss details, nor is Kissinger, who favors aid as a device to normalize relationships with Hanoi, but says aid levels weren't a major topic in his recent talks with the North Vietnamese.

It's an awkward situation—for the Congress and for the White House. The federal budget for 1973 and 1974 contains no allocation for Vietnamese reconstruction. Unless Mr. Nixon reverses his fiscal policy he will have to squeeze the required billions out of other programs, and since his impoundment of funds in the domestic field has already angered so many congressmen, he may not be able to do it. If he reverses himself and asks Congress to chalk up the cost of reconstruction to the deficit, he will lose control of the budget, giving the legislators an excuse they want to increase spending at home.

At his February 8 confirmation hearing before the Joint Economic Committee as head of the Office of Management and Budget, Roy Ash was asked:

Humphrey: What programs are you going to reduce to accommodate the aid to North Vietnam? Who are you going to hit first?
Ash: That decision hasn't been made and probably shouldn't be made until we know more specifically when and how such expenditures, if any, would be required, and what the status of all other programs and projects are at this time.
Humphrey: Do you feel that you will stick with the spending ceiling?
Ash: Yes sir.
Humphrey: As far as we are able to find out there is no money in the budget for North Vietnam. Am I to understand if there is a request for funds for assistance to North Vietnam, it means that it will have to come out of other programs that are included in this present budget presentation?
Ash: That certainly is our intention and expectation, precisely as you have described it.

There is an answer to the question "why aid the North" that is convincing to this journal: Americans have ripped the country apart; we have an obligation to help put it together—not as an act of generosity but as an act of contrition. That is not the President's answer, and presumably it would not be an acceptable answer to the Congress. Mr. Nixon's justification is that by helping the North we make an "investment in peace," an assertion which deserves to be scrutinized carefully. For if it is an investment, what are its promised dividends? In the old days of the Cold War, the justification could be translated into "containing communism." But the President's own diplomacy has made that somewhat antiquated. And do we help contain communism by helping a Communist regime? The administration may reply that a peace honorarium would be a lever with which to bend Hanoi toward moderation and incline it to pay more respect to Washington. But as Sen. Fulbright and others have pointed out, this is the influence-through-aid policy that put us in Vietnam 20 years ago, and the rewards have not been commensurate with the costs. The White House rationale reflects a somewhat romantic faith in the efficacy of bribery; moreover, we are speaking in this instance not of bribing a government eager to be bought, but an austere, revolutionary government that has suffered enormously for its dedication to Vietnamese independence and reunification. The Russians and Chinese, who long ago began aiding North Vietnam, may have a more convincing claim on its allegiance than Americans who laid the North flat. And even the Russians and Chinese may yet encounter unexpected resistance from their Vietnamese allies.

If aid to the North poses the question "why," postwar aid to South Vietnam poses the different question of "to whom." Hanoi, after all, is in undisputed charge of its territory; its writ runs throughout the North. The situation in the South is not analogous, nor is it comparable to the situation in Europe after the fighting stopped in 1945. There a United Nations Relief and Rehabilitation Administration, directed first by Herbert Lehman and then by Fiorello LaGuardia, distributed food, clothing, seed, fertilizer, livestock, machinery and medicine to the Europeans—for which the United States contributed some $2.75 billion. But notwithstanding the devastation, each of the countries aided was under the rule of accountable authorities. South Vietnam is a patchwork, with two principal political forces exercising sovereignty in separate areas that are not contiguous. The Thieu regime, recognized by the United States as the sole legal spokesman for the country, is not so recognized throughout the South, at least one-half of which is ruled by Thieu's adversaries, whom he has not been able to dislodge or defeat. No political accommodation between contending factions has been arranged. The Thieu dictatorship neither speaks for nor has access to large parts of the South. To whom and through whom, therefore, would reconstruction funds, however supplied and in whatever amount, go? All to Thieu? Half to each of the two southern signatories of the Paris cease-fire—Thieu and the Provisional Revolutionary Government? To a new, autonomous UNRRA for Vietnam? Or to so amorphous an entity as the three-tier Council for National Reconciliation and Concord, which exists so far only on paper and to which Thieu is hostile?

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What's Their Line?

Do the administration's off-again, on-again attacks on the media signify anything more than a desire for favorable publicity? Does the charge of "bias" mean that the administration would prefer reporters and newscasters to transmit nothing but what the administration discloses, and in the administration's own words? If that is what the White House vendetta amounts to, the executive is out to destroy independent newsgathering.

On one hand the White House salutes self-reliance, private enterprise, diffusion of power and the need to limit bureaucracy's meddlesome intrusions; on the other it angrily complains when the newsmen report their findings and chooses to intrude where previous administrations have feared to tread. It wants to strengthen local TV as against the networks, and in vetoing an authorization last year of $165 million for the Corporation for Public Broadcasting, the President made a special point of saying that Congress had failed sufficiently to emphasize local programming. But whereas in fiscal 1972, $16 million of the Corporation for Public Broadcasting's $35 million budget was earmarked for local stations, the two-year bill the President killed instructed that 30 percent of the $165 million—$49.5 million—go to local programming.

The President's director of the office of telecommunications policy, Clay T. Whitehead, seems resolutely opposed to network monopoly of news; he wants variety. But he is against public funds' being used to "express controversial points of view which are going to be opposite to those of many citizens." That's a formula for pabulum, not lively communications. And if it were adopted, how could it further the independence or diversity of local programming?

Another puzzling angle to this vendetta is the support the President has given to limiting network reruns of shows in prime time to 25 percent of total prime-time hours. Why should that be of concern to him? With the cost of TV shows increasing and the growing use of made-for-TV movies, networks have been cutting down on the number of original shows. Where they formerly produced 36 originals, then reran 16, they now produce 24, rerun at least 16, and fill out the remaining time with rerun movies or specials that themselves are later rerun. The networks argue that a 25 percent rerun limit would increase their production costs by over $100 million, without any increase in revenues. When Clay Whitehead's office in the White House was first approached last March by a Hollywood film editor seeking support for the rerun limitation, he was told that "we recognize the problem, but quite honestly, don't feel that in a free society it is the government's job to tell the media how to run its [*sic*] business . . . It is not the responsibility of the federal government to dictate to the networks what their programming should be."

Last August 27, however, President Nixon attended a gala party in San Clemente, honoring some 400 of Hollywood's top producers, directors and stars, all of whom had agreed to back the President for reelection. Two weeks later in an unusual letter to John Gavin, president of the Screen Actors' Guild, the President reversed Whitehead's position and wrote: "Following our discussion of the growing tendency of the networks to use reruns," he now supported the view that reruns were an economic threat to the actors' union. "Given the potential serious effect of this practice, I have instructed Mr. Whitehead to thoroughly investigate this problem. I am hopeful that Mr. Whitehead, working with the networks, will find a voluntary solution. Otherwise we will explore whatever regulatory recommendations are in order." No voluntary solution has yet been found and a report from Whitehead's office is due soon—one, the networks expect, that will in some way limit reruns and cost them more.

While sniping at the networks, the administration has courted individual and chain station commercial operators. On June 22 last year a special private meeting was arranged for 30 key, nonnetwork broadcasting executives and the President in the cabinet room of the White House. During the one hour and 20 minute session the President listened to complaints about challenges to TV licenses from citizen and minority groups and responded that he understood the station owners' need for longer than a three-year license term. He instructed a White House aide to look into the practice of tax-free foundations underwriting license challenges. He also indicated his dissatisfaction with the counteradvertising proposals of FTC chairman Kirkpatrick, to which broadcasters have strenuously objected. (Kirkpatrick has since resigned and is being replaced as FTC chairman by a former White House aide.)

Now we have Clay Whitehead's recent announcement of an administration bill to extend the license period for local stations to five years, in return for closer individual station control of network programming—with particular emphasis on limiting the "bias" of network news.

In all this we find no coherent, defensible policy. All we discern is animus, poured over all those news disseminating agencies the President prematurely said years ago wouldn't have him "to kick around any more."

COMING: Robert C. Tucker on Russia during the 20 years since Stalin's death

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Wages and Prices

The sanguine view from the administration is that 1973 will be a peaceful labor year, despite the fact that five million workers are covered by expiring union contracts and that some of the more militant unions in the country—in transportation, autos, farm equipment, rubber, construction and electrical manufacturing—will be sitting at the bargaining tables. The government reasons that unions did their catching up three years ago, winning hefty pay and fringe benefit increases to offset Lyndon Johnson inflation. That inflation is now in check, and so labor leaders will be a bit more temperate. Worker take-home pay is up. Phase III controls are in place and any union coming up with excessively high demands will get "clobbered" (one of Treasury Secretary George P. Shultz's favorite words).

On paper the rate of inflation is down. But in the grocery store, it's worse than ever (food prices shot up this January faster than in any month during the past 20–25 years), and every major union has its economists who think—along with their corporate counterparts—that inflation is again on the increase. So the current talk in union halls is for "more, lots more" and reflects a willingness for a showdown with Phase III controllers. There's also an awareness that corporate profits in 1972 were up 17 percent and of a consensus forecast that profits will be up 20 percent this year.

Under Phase III unions are supposed to keep their annual gains to around 5.5 percent, or 6.2 percent when fringes are included, but few union officials are talking of those terms. Peter Bommarito, president of the United Rubber Workers, told his fellow officials that the union intends "to make clear from the start that we will not accept token wage and benefit packages." The rubber companies have been piling up "booming profits," Mr. Bommarito said, and the union will demand "a fair share of them." The rubber workers' contracts run out April 20. Within the International Union of Electrical Workers (IUE), the talk is about "one hell of a fight" to get more than 5.5 percent in higher pay, and negotiators for General Electric and Westinghouse concede their bargaining, to start in May, will be tougher under Phase III than Phase II. Railroad workers are talking about asking pay increases of up to 30 percent over the next two years. Leonard Woodcock's United Auto Workers Union is mapping strategy for this fall's talks, and his associates say "if we can't get a generous pay hike because of Phase III we'll get our money some other way." The International Ladies' Garment Workers Union already has agreed on a eight percent pay hike for 1973.

Each of the unions coming to the bargaining table this year will have its special requests, but there will be one central focus: enough wage increases to more than offset the coming rise in living costs. Despite the administration's blandishments that the rate of inflation will slow in 1973, all signs point the other way. The almost frightening rise in retail food prices is continuing; in the last six months, wholesale processed food prices soared at the annual rate of 26.2 percent and they rose at the annual rate of 45.1 percent in the last three months. The Agriculture Department forecasts a six percent jump in food prices this year. Even the economists for the Business Council, a closely knit club of 50 blue chip corporate executives, foresee inflation up in 1973.

If the unions stick to their present intentions and Secretary Shultz has to "clobber" them, the unions may clobber right back with strikes. In any event, this year's bargaining results may offer another piece of evidence that changing from mandatory controls to the nebulous format of Phase III voluntarism was badly timed, occurring just as inflation was becoming more of a danger. Now there's the possibility of labor unrest and economic disruption of key companies and industries.

The Gray Matter

Senate Majority Leader Mike Mansfield, in one of those informal question periods which precede the opening of the Senate, said the other day he was "inclined" to vote to confirm L. Patrick Gray III as FBI director despite some criticism of the way Gray had been handling the job as acting director. It was clear from Mansfield's remarks that he put the nomination automatically in that category of "the President deserves to have the men he wants around him." But as has been pointed out before, the FBI is not just another executive post to be filled by someone the President likes. The bureau is a national police force—necessary but rife with potential hazards to a free society. Its director is more likely than Cabinet officers to keep his job throughout successive administrations. The FBI ought to be above even the suspicion that it may be used for partisan purposes. Gray, whose claim to the job initially rested upon his personal ties to President Nixon, has failed in nine months to uphold what he alleged last May at the time of his appointment to be the President's prime directive: keep the bureau out of partisan politics in an election year.

Senator Robert Byrd of West Virginia, the Democratic whip, declared his opposition to Gray in a tough Senate speech the day after the President announced his intention to send Gray's name to the Senate. As a member of the Judiciary Committee and a Senate leader, Byrd will have ample opportunity to develop the record on Gray and his running of the bureau and thus perhaps educate his colleagues on the proper functions of the FBI as well as the risks inherent in Gray's confirmation. "Political partisanship," Byrd

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said of the nomination, "involving any prospective appointee to this particular office constitutes a very serious matter, and I believe that the Senate owes it to itself and to the country to insist upon a better nominee."

In The Public Interest

GM's Mind Pollution

General Motors is disturbed that somehow millions of school children believe that air pollution can seriously harm their health. To change their minds, GM has launched a brainwashing campaign to tell them that auto air pollution isn't so bad and will soon disappear.

The first stage of the auto giant's strategy is an 18-page booklet entitled "What is Air Pollution? A Story of Air Pollution and Cars." It is narrated by a Professor Clean who wears, incidentally, a very prominent "GM" belt buckle. The booklet is being offered free to 62,000 elementary schools in classroom quantities. GM's public relations staff reports a first printing of one-half million copies, and that's only a beginning.

Using crayon pictures by 9- and 10-year-olds to illustrate points, the GM booklet attempts to define air pollution, where it comes from, how cars pollute and all the amazing things the car makers are doing to eliminate auto emissions. Along with Professor Clean, there is Harry Hydrocarbon, Charlie Carbon Monoxide, Ollie Oxide of Nitrogen and Pete Particulate Matter as the chief characters of this country's largest corporate polluter's story.

One important omission from the booklet is any treatment of what air pollution does to undermine human health. No mention, for example, is made of air pollution's causing disease (such as lung ailments), soiling, damaging property, harming natural beauty and recreation and endangering transportation. The various pollutants from autos are portrayed as little pixie "demons" that are very often harmless, sometimes annoying but generally going away fast.

Harry Hydrocarbon is described as a "harmless demon" if he is just by himself. The traditional GM line that hydrocarbons are a problem only in places like Los Angeles is emphasized. This is not true, of course, as numerous medical and public health research findings have shown. Furthermore the children are not informed by this corporate anesthetic that hydrocarbons contain cancer-causing elements.

It is not surprising, though still ignoble, that GM would stoop to such levels of manipulation. After all, for years it has produced over half the motor vehicles and over 25 percent of the air pollution (by tonnage) in the nation. For years it colluded with other domestic auto companies to restrain the development and marketing of auto pollution control systems, according to Justice Department documents obtained from the auto industry in an antitrust case. (The case was settled in 1969 with a promise by the companies not to collude anymore.) For decades its massive treasury has been applied to styling and horsepower, at the expense of safety and new kinds of engines that would prevent pollution and give motorists more fuel for their dollar.

These are some of the facts that the school children should learn and discuss. They should also know what the GM booklet baldly leaves out, for instance:

1) Carbon monoxide is a poisonous gas and is harmful in very low concentrations. (Instead the children are told that CO is blown away by the wind except in cities with lots of cars crowded together where too much of Charlie Carbon Monoxide is "not a good thing to have.")

2) Lead is not the only particulate that comes from cars as GM claims. Nor is lead used only in "some of the gasolines today." Lead is a component of most of the gasolines burned currently. And enormous quantities of harmful fine particulates of rubber and asbestos are given off from automobiles; the auto industry has given no thought or research to them.

3) The booklet concludes by saying that "Air Pollution from cars has become less and less in the last few years." This is deliberately misleading. Pollution controls on recent-model cars degrade rapidly in effectiveness after a few thousand driving miles while consuming even more gasoline. Ignored as well is the fact that more cars registering more mileage on the roads have offset any alleged controls on new cars. Of course GM does not mention the mass transit approach to controlling air pollution nor does it indicate how many better kinds of engines can be used to replace the polluting, infernal internal combustion engine.

School principals and elementary school teachers can obtain much more accurate and serious materials about air pollution from the Environmental Protection Agency and numerous private conservation and environment organizations. They might also ask that GM recall these booklets and stop polluting young minds.

Ralph Nader

Doubts about an All-Volunteer Army

The President has proposed a budget outlay of $268.7 billion for fiscal 1974 with receipts of $256 billion for a deficit of $12.7 billion, and he has warned that if the Congress appropriates more money than he asks for he will try to impound it. If that fails he will spend it

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and blame any tax increase on the Democrats. The Democrats are thus being neatly boxed in to support a spending ceiling to exculpate themselves from the blame for any tax boost. The political virtuosity of the President's performance can best be appreciated in light of the economic reality that such an increase seems inevitable during his second term.

Lost in constitutional rhetoric and political bickering between the Hill and the White House may be the hope of any serious debate about some of the real choices that have quietly been made in the fiscal 1974 budget. Foremost among these is the decision to achieve an all-volunteer force through pay rates high enough to attract sufficient manpower.

An all-volunteer military is a very expensive proposition, since raising pay at the bottom requires increases in higher ranks and in retired pay as well. As in the case of so many weapons systems the Pentagon has already confronted a cost overrun: the 1974 budget outlays projected for an all-volunteer force are about four times the original estimate for a military manpower force of comparable size.

Three years ago the President's Commission on an All-Volunteer Force, chaired by former Defense Secretary Thomas Gates, estimated that:

► To attract an all-volunteer force of two million men the nation would have to pay $1.5 billion per year more than it was then paying.

► To attract 2.5 million men would cost $2.1 billion more.

► To attract three million men would cost $4.6 billion more.

The projected 20 percent increase in manpower from 2.5 to three million men required more than a 100 percent increase in cost to the nation: from $2.1 billion to $4.6 billion a year. But the cost of achieving an all-volunteer force in fiscal 1974 far exceeds estimates in the Gates report.

The fiscal 1974 budget Nixon sent to the Congress carefully avoids telling us precisely what the taxpayer will have to put out for the all-volunteer force; it nevertheless contains some interesting figures. The defense budget shows an increase of $5.4 billion over fiscal 1973—from $76.4 billion to $81.8 billion. This increase, the budget message tells us, is "primarily as the result of an additional $4.1 billion required to maintain military and civilian pay levels comparable to those in the private sector, to raise pay and benefit levels sufficient to achieve an all-volunteer force, to meet normal price increases, and to pay for higher military retirement annuities." The detailed manpower cost explanations are more revealing:

► The proportion of the defense budget devoted to manpower costs in all-volunteer force fiscal 1974 will be 56 percent; in fiscal 1968, the proportion for the combined draft and volunteer force was 42 percent.

► In 1968 manpower costs were $32.6 billion; in 1974 they will be $43.9 billion.

► In 1968 the end strength of the armed forces was 3,547,000 men and women; in 1974 it will be 2,233,000.

Thus we will pay an additional $12.3 billion for a military manpower force reduced by 1,314,000 men and women. Put another way an all-volunteer force 37 percent smaller than a combined volunteer and draft force will cost over 30 percent more. True some of the $12.3 billion will go to higher retirement pay, but that increase is required to bring current retirement pay in line with new pay levels needed to attract the volunteers.

Thus even with a generous allotment for inflation, the nation will be spending some six billion dollars more in fiscal 1974 for only two-thirds of the number of soldiers, sailors, marines and airmen that it had on active duty in 1968. This is some 300 percent more than the amount estimated in 1971 as the cost of an all-volunteer force of this size by the President's Commission on an All-Volunteer Force. That new six billion dollar investment is more than twice the amount committed to the Office of Economic Opportunity in the peak anti-poverty war years of Lyndon Johnson.

By design and incentive an all-volunteer army is structured to bring into the armed forces the poor and near poor and to free of even the danger of military service the middle- and upper-middle-class young. The draft never achieved perfect egalitarianism in distributing the burdens of military service, but at least it made the attempt. The all-volunteer concept—and the investment of billions to make it a reality—is consistent with the overall thrust of the administration's budget for fiscal 1974: a budget designed to appeal to the more affluent majority. It legislates into government policy the Civil War practice of having the better-off hire the worse-off to serve their time in the military. In effect with the all-volunteer army we write into law the concept of one man's money for another man's blood. This six billion dollar investment strikes a harmonious chord in a budget that also eliminates 100 programs for the disadvantaged and protects the present tax structure and distribution of wealth. The concept strikes a perfect note on a scale of human values that protects the haves.

It is appalling that so many antiwar congressmen have climbed and stayed on the volunteer army bandwagon. Many have done so because of their revulsion at the Vietnam war and because they can rationalize the concept as providing that only those who "volunteer" will have to go to war.

This is a gross misreading of one of the central historical lessons of the war in Southeast Asia. What turned this nation around on Vietnam was not demonstrations in the street nor the demagogic rhetoric of Dellinger, Hayden and Spock. It was, in quite readable political terms to the Presidents who agonized over Vietnam, the realization that the vast middle class of America would not permit *their* sons to die in a war

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which they considered meaningless. It was middle- and upper-class Americans who know how to contact congressmen, influence their local communities—and most all of whom vote and know finance campaigns—who posed the sharp dilemma to Washington: get out of Vietnam or get out of office. An all-volunteer force that subjects only the ones at the bottom to military service will effectively reduce the need for future leaders to be concerned about the more affluent majority of America and its judgments about foreign adventures, at least until those adventures are so far along that they will be virtually impossible to stop. It is no accident that the ardor of the campus antiwar movement cooled in lock step with the reduction of the draft and ended with the advent of the all-volunteer force.

It is ironic that those who express such concern about the debilitating impact of welfare on the will to work can so enthusiastically accelerate the erosion of the American will to sacrifice and pander to the protective cocoons in which the affluent already live. But it is truly Kafkaesque thinking for public officials who call themselves liberals to support this six billion dollar investment of scarce public sector resources so the lower class can fight our wars.

If we think history will read this concept of paid military service as a step forward in national development then we had better review the ABCs of the Roman and Greek empires, of German mercenaries and of the French Foreign Legion. The long-term maintenance of an all-volunteer force of two million or more paid mercenaries fighting our wars is no more likely to provide the sense of common commitment necessary for national cohesion than it is likely to build the personal character of the affluent teenagers in suburban America whose daddies' dollars and influence have bought their way out of military service. Perhaps most unfortunate is that the investment in this new human weapons system is being made as quietly as so many other investments in material weapons systems have been made over the past few years.

Joseph A. Califano, Jr.

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The Nixon Watch

Cleaning the Cleaners

Between mid-November and mid-February, when the fourth Nixon message on protection of the environment and the legislative proposals that accompanied it were worked out and sent to Congress, the President didn't give much of his time to discussion of the subject with the White House, department and agency officials who put the package together for him. Other matters occupied him. His Indochina "peace with honor" and his expanding accommodation with Communist China were in the making. He was moving to strengthen his command of the federal bureaucracy and, in the process, reorganizing his own White House bureaucracy. He was drawing the lines of battle with Congress over the extent and uses of executive power. With his new budget he was preparing a broad and explosive challenge to the proposition, which had been reflected in dominant American thought and practice since the 1930s, that state and local authority cannot be trusted and only federal authority can be trusted to recognize and meet the nation's social needs. There should have been no wonder, then, that the department and agency officials who did the stoop labor on the environmental message and legislation saw little or nothing of him. He seemed to some of them to be less interested in the business than he professed to be when he spoke in the message and in an introductory radio speech of his scorn for hand-wringing preachers of ecological doom and of his confidence that the American people have "the capacity and character" necessary to "meet our natural resources challenges" and stand with him upon "a sensible middle ground between the Cassandras and the Pollyannas."

A group of conservationists who conferred with Russell E. Train, chairman of the Council on Environmental Quality, after the message was released got an impression that he and others involved in drafting the 1973 program had missed the firm White House direction that they received in 1971 and 1972. Train and his council colleagues met only once with the President, in early January, before the message and the legislation were in final shape and then Mr. Nixon expressed specific interest in only one aspect of the program, the development of a national land-use policy to be implemented by state and local governments with federal support and coordination. Organizational and personnel changes at the White House contributed to a feeling in the concerned departments and agencies that nobody was really in charge of the preparatory operation. John D. Ehrlichman, the assistant for domestic affairs, who in past years had been very definitely in charge, had withdrawn from current routine to concentrate upon what he called more profound issues and problems that the President wanted him to anticipate and think about. Ehrlichman's successor as director of the Domestic Council, Kenneth Cole, appeared to leave the White House role in the formative phase to Richard Fairbanks, a young (aged 32) lawyer who is the assistant director responsible for natural resource affairs, and to William Morrow, an assistant director of the Office of Management and Budget. Secretary of Agriculture Earl Butz, who had been des-

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ignated by the President to be his counsellor in overall charge of natural resources policy, had barely begun to function in that capacity and took little part in developing the 1973 program. Such department and agency heads as Chairman Train, Administrator William D. Ruckelshaus of the Environmental Protection Agency, and Interior Secretary Rogers Morton might guess that major and disputed points were referred by Fairbanks and Morrow to their superiors and perhaps to the President, but they were not told that this was done. The result was a sense, at the working levels outside the White House, that the President in his search for efficiency and effective command had somehow withdrawn from the very command that he sought to exercise through others and was letting issues of great importance be settled well down in the bureaucracy, by the processes of compromise and trade-off that he says he deplores.

The odd thing is that this was in fact a considerable misapprehension. Mr. Nixon rode closer herd on the preparatory processes than he let anyone beyond his immediate staff know. The decision to drag the issue of farm supports and policy into the environmental message and to make it the vehicle for announcing his proposal to abandon direct agricultural subsidies within the next few years was his alone. Matters that turned out to be in dispute between interested agencies and officials, and some on which Fairbanks simply wanted presidential guidance, were regularly bucked to Kenneth Cole and, on occasion, by Cole to Mr. Nixon. One such was the proposal, new in this year's program, to set forth federal standards for drinking water and authorize citizens to sue their local authorities in federal courts if their water didn't meet the requirements. Another was the proposal to authorize direct federal regulation of the disposal of extremely hazardous industrial wastes instead of leaving the whole responsibility to states and localities. Whether the administration should ask for broader authority than it had previously requested to require advance planning of power plant sites and tighter federal coordination of state supervision of the planning was put up to the President, and he decided in favor of a strengthened proposal. These were touchy questions, of more concern to the President than they might appear to be to the casual citizen, because of Mr. Nixon's prior insistence to the departments and agencies and in his message that the federal government "must not displace state and local initiative" and that he expects "state and local governments—along with the private sector—to play the central role" in environmental control.

"Something's wrong with this water. I can't smell it."

The issue in fiercest dispute within and between the agencies and departments, and the one that provided the clearest indicator of the administration's purpose and courage, was the regulation of surface mining. Nothing in the entire preliminary phase was more puzzling to the working-level advocates and opponents of strong federal control than the impression in which they were left that the President and his principal domestic adviser, John Ehrlichman, kept themselves remote from this controversy as well as from others and allowed it to be resolved in the middle bureaucracy. It in fact was one of the several issues that went to Cole and ultimately to the President for final decision. Ehrlichman stayed out of the direct line of fire, but he kept in touch with the controversy as it developed. His principal assignment at the moment is the preparation of a major policy message dealing with the whole problem of energy supply and strip-mined coal, among other sources, and he is setting up a special White House staff apart from Cole's Domestic Council staff to exercise presidential supervision in this area. The central point at issue on strip-mining was whether and how the administration should strengthen the weak regulatory bill that it sent up and Congress ignored last year. The bill finally approved by the President and sent to Congress still leaves the initial and primary responsibility for regulation to the states. It still gives them two years to come up with laws and regulations that meet federal standards and, in the revised version, allows strip miners a third year in which to satisfy the state requirements. Real enforcement, whether by the states or by the federal government if the states fail to impose adequate regulation, would in effect be deferred a full five years after enact-

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ment of the federal law. In these respects the submitted legislation represented a defeat for the chief advocates of strong regulation, Train at the Council for Environmental Quality and Ruckelshaus at EPA. Judged by these factors alone, the strip-mining bill may be said to show that the President's environmental cleaners were taken to the cleaners in the review process. But that isn't the whole story. The President approved proposals that the federal standards the states and eventually the strip miners have to meet be spelled out early and explicitly, as they were not in his past legislation, and that the standards themselves be high enough to curb though by no means to end the outrage that surface mining works upon the land. Here, as in other aspects of the Nixon approach to environmental protection, the fair judgment has to be that the President proposes a lot less than is needed; a lot more than any of his predecessors have proposed; and a lot more, too, than anyone would have expected Richard Nixon to undertake.

John Osborne

Does MGA Spell Cancer?

The Cattle Fatteners

by James Rowen

The initials MGA stand for melengestrol acetate, a synthetic hormone feedlot operators add to the food mix of female beef cattle. The hormone suppresses the heifers' menstrual cycle, thereby relaxing the animals, increasing their appetite and quickening weight gain. For the cattle feeder, MGA is an economic plus, since it enables him to more quickly move "finished" animals out of his lot to the slaughterhouse. A 1971 Department of Agriculture (USDA) study concluded that the shortened stay in feedlots brought about by MGA and other similar growth stimulants saves each American $2.30 per year. But the consumer may be taking a health risk that's outweighed by the savings, because MGA may be a carcinogen—a cancer-producing agent. The federal government, which this January banned the use of DES, a similar growth stimulant in cattle feed, after years of delay, permits beef producers to use MGA even though the manufacturer, Upjohn, is still conducting a lengthy laboratory test to determine MGA's cancer-causing possibilities. The hormone, marketed as "MGA-100" in both liquid and solid forms, has been used since Upjohn won Food and Drug Administration (FDA) approval for its sale on January 26, 1968. Approval was based solely on Upjohn's test data, which concluded that the drug was not carcinogenic, and that residues of MGA were not turning up in tissue specimens of slaughtered animals analyzed with a laboratory method that would locate traces occurring at a level of 25 parts per billion (ppb) or more. FDA regulations prohibit the use of known carcinogens in animal feeds, but through a loophole in the law allow carcinogens to be used *if* "no residue of the additive will be found."

In March 1971, testimony before a House subcommittee chaired by Representative L. H. Fountain (D, NC) revealed that the testing method used by Upjohn to detect MGA residues, a method approved by FDA, was inherently faulty. A Department of Agriculture memorandum put into the hearing record flatly stated that "The use of a method sensitive to 25 parts per billion to detect the absence of residues fed at 4 parts per billion should not be accepted since the absence of residues cannot be proven." The USDA document recommended that a more advanced testing method, one that could detect as few as two parts per billion, be required before MGA was allowed on the market. Without such a test, "the use of the additive should not be permitted," it said. Other documents indicated that the government possessed neither the technology nor the equipment to make these more precise tests. Moreover, the government lacked the money needed to upgrade testing facilities. The Agriculture Department agonized over the proposed expenditure of $17,000 to buy more sensitive residue testing equipment for half a dozen laboratories. One USDA official wrote, "Our people have been in a quandary each time these additive proposals have been brought up. Should we accept the method that requires thousands of dollars of extra equipment? Should we accept the method that requires several hours of work per sample?" The FDA nevertheless

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approved the use of MGA on the basis of the more imprecise tests.

DES, a known carcinogen in cattle feed, was not prohibited until a 2ppb test method became available in April 1971, and that method began turning up residues in beef livers. Some cancer specialists theorize that cancer-inducing substances operate on a molecule-to-molecule basis. It was found that a residue of less than 2ppb of DES contained two million million (2,000,000,000,000) molecules in a pound of meat, and the published testimony of American cancer experts before the Fountain subcommittee in November 1971 stated that perhaps one single molecule of DES in a five-ounce serving of beef liver might produce cancer. The entire field of cancer-producing mechanisms is plagued by a lack of hard knowledge.

It is because growth-stimulating hormones are potentially risky that 21 nations, including West Germany, France, Italy, Sweden and a leading beef producer, Argentina, have completely banned the use of MGA, DES and all other hormones in meat production.

The testing standards used in the FDA's approval of MGA were not the only unnerving revelation brought to light at the March 1971 Fountain hearings. Doctor C. D. Van Houweling, the FDA's director of the Bureau of Veterinary Medicine, testified that MGA was a "suspect carcinogen." It is so labeled because it is chemically similar to other known cancer-producing hormones. Officials within both the FDA and the USDA have referred to MGA as a "female DES," although pointing out that DES and MGA work in different ways, and that MGA is approved for use in heifers only. Dr. Van Houweling told the committee that a two-year study was underway "to determine whether or not it (MGA) is in fact carcinogenic."

Given that a leading FDA official defined MGA as a "suspect carcinogen" two years ago and that the drug was under study even then, and that the Agriculture Department criticized the MGA testing procedure five years ago, one would suppose that MGA would have been ordered off the market until final, conclusive test results could be obtained and verified. But it is estimated that of the four million heifers on feed in any given month in the major cattle-producing states, 35 percent have MGA mixed into their rations. MGA-treated heifers account for approximately 100 million pounds of USDA inspected beef.

In addition the Department of Agriculture suspects that MGA is being substituted illegally for the banned DES by cattle feeders adding MGA to the rations of steers, though MGA has clearance for use in heifer feeding only.

Upjohn has been silent about the current MGA testing. The company's public relations officer, Mr. Laurin Byers, would not say when Upjohn had begun tests, does not know if they had started at the FDA's or Upjohn's initiative, has no data on the number of heifers being raised with MGA, and says he does not know the annual dollar sales volume MGA generated or whether tests are still in progress.

An interview with Upjohn's Dr. Robert Zimbleman, who describes himself as "the main scientist" in the development of MGA, is also uninformative. Though he is positive that MGA is completely safe—"no question of that"—he neglects to mention that the drug was the subject of the two-year test to discover carcinogenic effects. A follow-up call to Dr. Zimbleman was referred to the company public relations office.

No one at FDA will reveal the status of Upjohn's MGA cancer tests, with one FDA official maintaining that the test data were a "trade secret." Another FDA official says that the tests have been completed and that the results are being evaluated by the National Cancer Institute. The official remarked that while the test results remained an "internal document" and not available for public release, the FDA is "very seriously questioning this product, and we are in communication with the firm on it." The fact that the test results are now being reviewed by the National Cancer Institute, a branch of the National Institutes of Health (NIH), was confirmed by a December 25, 1972 report in *Food Chemical News*, a $200-a-year newsletter advertised as "a weekly Washington publication for executives." Quoting a 32-page FDA "internal report" on drug residue testing methods, the newsletter reports that FDA wants MGA tested with more sensitive residue methods, recommends heifers ingesting MGA be taken off the drug 13 days before slaughter (the current withdrawal period is 48 hours). And it also mentions the disturbing fact that under certain dosages, MGA has been known to cause tumors in female mice. No one at FDA however will estimate when the MGA tests will be fully analyzed and the results released to the public. And no one at FDA will comment on any possible ban of MGA.

When a manufacturer submits an application for the marketing of a new drug like MGA, the FDA in reviewing the application does not, except in rare instances, test the drug itself. It does not duplicate in a laboratory the testing procedures outlined in the manufacturer's application. All FDA does is review the test methods and results as submitted by the manufacturer. The FDA's interest is public safety, but the testing upon which marketing approval rests is the responsibility of those who will reap only monetary rewards.

Although drug testing equipment is maintained by the Department of Agriculture, USDA is not currently conducting tests to determine whether MGA residues are being found in tissue samples from slaughtered cattle. One USDA scientist said that his labs were not testing MGA because "we have our hands full with DES, but I assume that Upjohn has done a fair amount of work on it." Another USDA researcher, coauthor of

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a recent government study of the American cattle industry, said he knew nothing about matters such as the "comparative effects, physical and economic," of MGA and DES, although he mentioned both of them in his study. "There's a complete absence of this kind of information about the trade-offs," he said. "I suppose most of this stuff is buried in the files of the company that developed these things."

With DES a person could seek to avoid the chemical by removing liver from his diet, since DES concentrates in beef liver. But it's not so easy with MGA, as Dr. Van Houweling, the FDA's chief of veterinary medicine, told the Fountain subcommittee on March 29, 1971 in this exchange with Representative John N. Buchanan, Jr. (D, Ala.):

Q. Are these residues (MGA) also found in the liver?

A. No, sir; this drug concentrates primarily in the fatty tissue. You will find it higher there than other parts of the carcass.

Q. I see. Well, I do not know where fatty tissues might be found.

A. It is pretty generally dispersed throughout the entire musculature. It is almost impossible to find beef that does not have any fat in it.

A Response to Goldberg and Bickel

Helping the Court with Its Work

by Nathan Lewin

There is a real danger that the public debate over the proposed new national court of appeals will degenerate to a disagreement over whether the Supreme Court is "overworked," "underworked" or neither. This has been the tenor of the early skirmishes—including the rebuttal made by Alexander M. Bickel in *The New Republic* to former Justice Arthur Goldberg's criticism of the proposal. But "overwork" is, as Professor Bickel recognizes, very much an individualized appraisal. Justice Douglas would probably have time to publish a book a year and climb a dozen mountains if the Court's work load were doubled; Justice Blackmun would still work round-the-clock if it were halved. "Overwork," in other words, is about as measurable as a migraine headache—and like a headache its cause and cure depend on highly personal factors.

The extraordinarily distinguished "study group" which produced the national court of appeals proposal cited the statistics on the Court's case load; it was noticeably silent on the views of a majority of the present members of the Court. Were they asked the direct question whether such a proposal would significantly improve the Court's ability to do its job properly? The foreword to the group's report states that Professor Freund and his colleagues "had the privilege of meeting as a group with each of the Justices presently serving" and that they also "interviewed" two law clerks who had been with the Court in its 1970-71 term and one who was serving in the 1971-72 term. Not once in the entire report is there any indication of what was learned during these meetings and interviews. We are fed only statistics, and the numbers themselves, it is suggested, prove the case.

To be sure, Supreme Court justices are expected by their colleagues and by the traditions of the legal profession to abide by a code of discretion and secrecy that is probably unrivaled anywhere outside the Cosa Nostra. It is poor form—and said to be harmful to the Court as an institution—to disclose its inner workings. So present and past justices are not likely to speak in any language other than generalities about the Court's internal operations. Justice Douglas' assertion that the Court is "underworked" and Justice Stewart's guarded reference in double-negative legalese ("the case load is not intolerable and not impossible to handle") goes to the verge of what is deemed proper for a Supreme Court justice. Whether Chief Justice Burger or any of the others imposed restrictions on what the study group might report on its discussions with individual justices is unknown. But for a starter it might be wise for the Court's members to consider whether silence on their part is a virtue when Congress is being asked to tinker with the Court's jurisdiction and the Court's members alone have access to the experience and information which makes judgment on such a proposal other

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than ignorant.

Former Justice Goldberg—who is surely in a better position to know than any member of the study group (indeed one wonders why none of the six living former justices was appointed to this panel and, apparently, none was interviewed)—says that "petition screening . . . represents one of the less time-consuming aspects of a justice's work." *All* the recent law clerks I have talked to—including two who were interviewed by the study group—share this view—even though the heaviest burden of "petition screening" in most of the justices' offices falls on the law clerks. One clerk who was interviewed also reports that he made this point most forcefully to the study group, and that the two colleagues who were interviewed with him did not disagree with his opinion that one working day a week is all that a justice needs for the *certiorari* petitions. For some reason that is not entirely clear however, the study group—whose disinterestedness and objectivity are beyond question—chose to ignore what those who have worked inside the Court know, and it determined instead to rely on facile and meaningless arithmetical computations.

Does it take an "average" of half an hour or 15 minutes for a justice to decide whether to vote up or down on each of the 70 petitions which, according to Professor Bickel, arrive each week? Having served as Felix Frankfurter's law clerk, Professor Bickel is surely aware that it was Justice Frankfurter's practice to scan the petitions quickly himself and to have his clerks do only select research projects on thorny legal issues presented by them. In fact it was reported in the Court that Justice Frankfurter would take the full load of petitions home one night a week and leaf through them while lying in bed. Substitute "several hours before bedtime" for "two good working days" or "half of a very heavy working week," and how "crushing" is the burden?

But, says Professor Bickel, the case load has expanded considerably since Frankfurter—and Goldberg, who succeeded him—were on the Court. So it has. But an intelligent justice with one or two years' experience on the Court is as capable today of sensing from a quick look at the papers whether a case deserves serious attention as his counterpart was 10 years ago. And since most of today's justices (Justice Brennan being a recent convert to the Frankfurter view) assign to their law clerks the task of digesting the legal issues in a *certiorari* petition and summarizing existing law, the enlargement of each office staff from two clerks to three has substantially cushioned the impact of the added work load.

In the last analysis the question ought not to be whether the Court is "overworked." As a taxpaper I fervently hope that any public official being paid $60,000 a year is "overworked." And as a lawyer I know that no capable attorney at the height of his career will ever admit to being anything but "overworked"; the condition is a badge of distinction in the profession. The only relevant question is whether the Court is doing its job as well as it should. If not, changes are in order, and those changes should be—as the study group observed—the kind that are "least problematic." Judged by the study group's own standard, however, its proposal fails dismally.

Assume, for argument's sake, that notwithstanding the testimony of the law clerks and of Justice Goldberg (and possibly others yet unnamed), the job of screening petitions for *certiorari* does take a considerable slice of a justice's work week. The immediate questions that come to mind are: 1) Is there a better use to which the justices' time should be put than it now is? 2) Is the "screening function" one that can be readily shifted to another court? and 3) Is such a transfer a better way of saving time for the justices than other rearrangements? None of these three questions has yet been satisfactorily answered.

First the very basic question of *why* time should be saved. Professor Bickel speaks glowingly of "deliberations and collegial consultations on argued cases" and of "the deliberate, reasoned, collegial declaration and elaboration of national law" as if he really believed that with more time the Court would sit as an advanced seminar in constitutional law at the Yale Law School. I clerked with the Supreme Court in 1961-1962—even before the relatively comfortable era when Justice Goldberg was on the Court—and saw precious little "collegial consultation." And I challenge Professor Bickel to represent in these pages that he saw it in 1952 or Professor Freund that he experienced it in 1932. The fact remains that no matter how much time it has, the Court's decision-making processes are largely individualistic. Nine men—each aided by a small staff—separately consider legal and social issues, and they meet intermittently to state their views briefly and to record their votes on the issues. One is then selected from the majority group to reduce to writing the reasons for the majority's result, and the others—as is only human—promptly turn to their own responsibilities. They are reminded of their decision only when the opinion writer has finished his job and circulates a draft opinion; at that point they ordinarily concur unless there is something affirmatively objectionable in the opinion. More time will mean that each justice will turn out his own product with somewhat greater care, but nothing in the Court's recent history suggests that there will be more "collegial consultation."

It has long been fashionable for the law schools to bemoan the lack of legal craftsmanship in the Court's opinions. If the justices have more time, they *may* turn out better opinions. Justice Blackmun apparently improved his long decision invalidating abortion laws in Texas and Georgia when the case was reargued in

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the fall of 1972 after it had first been presented in the Court's preceding term and Blackmun had, shortly before adjournment, produced an unsatisfactory draft for a smaller majority. The abortion cases ultimately prove however that very little depends upon the quality of an opinion. The bottom line of Justice Blackmun's better version was apparently no different from the conclusion in his earlier draft. And it is surely not self-evident that the delay which went into improving the product was worthwhile.

One final point on the question *why* more time is needed. Professor Bickel and the study group maintain that the burden of "screening" 3651 petitions is "crushing" and must be alleviated. Paradoxically enough however they do not say that the screening job is being done poorly for lack of time—only that it deprives the justices of time needed for "other tasks." At one point in its report, the study group compares the processing of *certiorari* petitions to a "mass screening" for cancer-detection purposes by a group of doctors. Obviously if the doctors had too little time to do their job right, cancer sufferers would slip through and the proof that there was too little time would be the number of undetected cases. If the justices are unable adequately to screen *certiorari* petitions, it is the petitioners who should be complaining that their papers are being given inadequate attention, and we should see some proof of hasty and ill-considered action on the petitions. Surprisingly enough, those who might be viewed as supporting petitioners (to the extent there is such a class) want the Court to continue to do the job. And the Court apparently believes that the job is worth doing well even, if one accepts the study group's assumption, at the expense of "other tasks." And since the Court appears to be producing longer opinions than it ever did before, with most of the justices writing more separate concurrences or dissents than in previous periods during the Court's history, one might even view skeptically the proposition that there is too little time for opinion-writing. It might be suggested, not altogether facetiously, that even less time may be a boon if it reduces the flow of words.

The second question—and easily the most critical—is whether the "screening function" is readily assignable to a different court. On this aspect of their proposal the study group is either incredibly naive or, given the stature of its members and their familiarity with the Court's processes, deliberately disingenuous. Both the report and Professor Bickel's response to Justice Goldberg make it appear as if the "screening function" is a totally severable job that the justices happen to be saddled with under the present system, and to assign it to a new group of judges would, in Professor Bickel's words, "in itself hurt no one." In fact, as any law clerk who has been with the Court for three months can attest, the judgments made at the "screening" stage are very much bound up with how the Court ultimately decides an issue.

The results of the screening process are announced on an "order list" which the Court issues on those Monday mornings when it is in session. A random selection and careful analysis of order lists would demonstrate that in deciding which cases to hear, which cases to reject and—what the study group totally ignores—which cases to "hold" in abeyance until the announcement of related decisions, the Court calls on the knowledge it, and it alone, has of where the Court stands and where it is heading. One need look no further than the latest order list issued before this article was written—that of January 22, 1973. On that date, the Court agreed to consider whether Pennsylvania and New York laws providing tuition grants for private school education are constitutional even though it had, little more than three months earlier, decided without argument that a similar Ohio law was invalid. The Court, one may assume, is not acting irrationally. Its nine members have some objective in mind, and the rest of us—citizens, lawyers and even federal judges—can only guess what is up.

The same order list announced the Court's intention to review a California appellate court's ruling that a restriction imposed by the brokerage firm of Merrill Lynch against competing employment by a former employee violated California's anti-trust law. The petition in the case had been filed in August 1972, and one can only surmise from the great delay in the Court's disposition of that petition that there has already been an exchange within the Court as to the proper outcome of the case. On its face, it hardly presents an important question that a new court of federal appellate judges would think worthy of the Court's time. But the Court has—for reasons it alone knows—agreed to hear the case. It has done so even though the solicitor general—when formally asked his opinion of the case—replied that "the government believes that no question is presented warranting review by this Court."

Justice Goldberg referred in his observations to the "internal dynamics of the Supreme Court," and these are very heavily involved in the decision whether or not to hear a case. I think it is not unfair to twit Professor Bickel, who not long ago extolled the "passive virtues" which the Court employs when it decides to reject a petition, for his current refusal to admit that there is much ultimate decision-making in the *certiorari* process. And the nature of this decision-making varies from situation to situation.

Justice Goldberg inquired whether *Gideon v. Wainwright*, the case which established the right to free counsel for poor felony defendants, would have been heard if not for the Supreme Court's total control over its docket, and Professor Bickel replied that it could not be "remotely imagined" that the Court would not have had the opportunity to establish that principle

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under the study group's proposal. Having served as a law clerk in the year that the decision to hear the *Gideon* case was made (as did one of the members of the study group), I can attest to the fact that the constitutional right-to-counsel issue was raised in dozens of petitions filed that year. The Court determined, even before the 1961 term began, that it would find the best case it could and would use it to overrule *Betts v. Brady*, the 1942 decision which had rejected the absolute right-to-counsel claim. And so a sifting process began. Justice Harlan—for whom I worked—would ask, as to each case that might be resolved on the ground ultimately taken in *Gideon*, whether there were peculiar facts that would prevent the Court from reaching the broad question or whether there were other unsatisfactory elements in the case that would cause greater popular resentment to the decision than it deserved. (One case, which seemed perfect in all other respects, was rejected because it involved a charge of molesting little girls.) The decision in *Gideon*'s case (notwithstanding the drama which popular accounts have superimposed upon it) was foreordained, and the Court would surely have decided the proposition sooner or later. But it was important—or so the justices thought—to select the proper case for that decision—a route that would not have been available under the study group's proposal.

Having already sinned by lifting the curtain of secrecy a trifle, I think the circumstances justify citing a second illustration from the term when I worked with the Court. A case called *Robinson v. California* was then heard and decided. It was, at its inception, in the large bundle of prisoner petitions that were filed and were first screened by a committee of Chief Justice Warren's law clerks. They saw nothing in this ordinary-looking narcotics conviction to justify the Court's attention, and the case was placed on the "dead list"—that is, the list of petitions that would be denied without discussion at the Court's conference. A closer look at the facts in Justice Harlan's chambers showed that Mr. Robinson had been convicted not for possessing or using drugs, but simply for being a narcotics addict. He was arrested on a traffic stop and charged when the police saw that he had puncture marks on his arm. Justice Harlan circulated a memorandum to the Court questioning whether the "status" of narcotics addiction could constitutionally be made a crime. The Court decided to hear the case, and it ruled that criminal punishment for this condition was unconstitutional as "cruel and unusual punishment."

The incident is not a singular one. Virtually every law clerk who has served on the Court has his own similar story of the case that was rescued by a single justice. Occasionally the case is important only to the particular litigant. Sometimes—as was true with *Robinson*—it lays the groundwork for other advances in the law. The process is not, however, predictable, and a court of even the most sensitive appellate judges cannot put themselves around the Supreme Court's conference table.

And then there are the often critical questions of timing. Anyone who follows the Supreme Court's order lists knows that petitions are not acted on *seriatim*. The Court often skips over a case that is ready for decision, apparently "holding" it until a related issue is decided or until some other anticipated event comes to pass. These determinations require inside knowledge that only the Court has and that cannot be communicated by formal announcements or explanations. How is the proposed national court of appeals to know when a petition should be held rather than denied immediately? Might it not also delay cases which the Court knows could be rejected immediately? On February 20, for example, the Court refused to review the Memphis school desegregation case, although at least one of the legal questions is similar to a question raised in the Denver school desegregation case, which was argued to the Court last October and is now under consideration. *Only* the Court knows now that what it will decide in the Denver case will not affect Memphis; a national court of appeals would delay the Memphis result either by "holding" that case until Denver's fate is known or by sending the Memphis case forward.

There are other reasons for keeping the "screening function" with the Supreme Court itself which go beyond the inefficiencies of separating out that job. By being forced to see the entire range of claims made in the federal and state courts, the justices become educated in and sensitized to the issues which recur in criminal and civil litigation. If the Court is to have the broad perspective of its judicial role that the country is entitled to demand, it should not be totally shut off from almost 90 percent of the claims which lawyers think deserve the Court's attention. Ultimately, as the history of school segregation, malapportionment and treatment of criminal accused demonstrate, the Court turns to dealing broadly with questions that have been brought to it repeatedly. Surely the fact that so much of the Court's docket is now taken up with obscenity cases has encouraged it to seek some sweeping resolution of the question, and the more than half-dozen cases now pending will probably have that result. Whether the Court would strain for agreement if it were insulated from most of these cases by a national court of appeals is highly dubious.

Finally too little attention is being paid to the other half of the equation—the members of the proposed national court of appeals. Even assuming that the seven experienced appellate judges on that panel are content to act principally as conduits and not deciders of important cases (a job that some might justifiably think frustrating), what reason is there to believe that they would be adequately sensitive to the considerations that affect the Supreme Court's judgment on

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certiorari petitions? Just as it is desirable to have the Court use its own knowledge in deciding how to fashion its docket, it is unfair and probably unwise to force judges who are not privy to that information to decide whether a case should be heard by the Court.

The last question relates to alternatives, which the study group touched on all too lightly and with a disappointing lack of flexibility and imagination. Let us assume, for argument's sake, that the Supreme Court is too busy and that something must be done to give it more time. There are surely "less problematic" choices than cutting out its control over its own docket. The Court has traditionally fitted its procedure into a senseless strait jacket. If it thinks a case requires decision, it orders that full briefs be filed by the parties and that an oral argument be scheduled. The case is then considered by the entire nine-man Court.

At each point along the way, there is room for far greater flexibility than the Court has shown. There is often substantial agreement when the petition is considered as to the result that the Court will reach, but the Court has been reluctant to reverse or affirm a lower-court decision at that point without providing a full hearing. Briefs and argument in a plenary case are expensive for the parties and they consume far more of the Court's time than dozens of *certiorari* petitions. Why not decide the case then and there? That is precisely what the Court did on January 22 in a technical case concerning the application of the federal estate tax to a gift of part ownership in government savings bonds. The legal question had been decided in conflicting ways by two federal courts of appeal and, as is often true of conflicts of this type, the important objective was that a uniform rule be authoritatively announced.

And why need the Court hear oral argument on every case it considers beyond the *certiorari* stage? Many of the overworked courts of appeals have established, by rule, a "summary calendar" procedure for cases where the issues are fully presented in the briefs and oral argument would not be helpful. The study group admitted that "the average level of oral advocacy in the Court is judged to be disappointingly low." All nine justices are forced, however, to sit through these oral presentations at a standard rate of one hour per case. Justice Douglas spends much of that time writing opinions on other cases, but not all the justices are able to do two jobs at once (or willing to subject lawyers to that indignity).

The study group mentioned only briefly the suggestion that the Court could save time by sitting in panels of less than nine to hear some of the cases. It rejected that proposal on the ground that a division into panels might not satisfy the constitutional requirement that there be "one Supreme Court" (an argument not dissimilar from Justice Goldberg's, which Professor Bickel characterized as "resting on a word play"). Surely to the extent that the full Court assigns any particular case to less than all its members, it is still operating as a single Supreme Court. The study group also said that consideration by panels "would expose decisions in the name of the Court to the changes and chances of the composition of the panels." True enough, and practicing lawyers know too well that the fate of their clients rests far more often than is fair with the fortuitous circumstance of the judge or judges who make the decisions.

This overlooks, however, the fact that a good number of the Court's cases are not terribly controversial and that the justices probably know when they initially decide to hear a case how it will come out. In fact of the 37 cases decided by a full opinion so far this term, 17 were virtually unanimous decisions and at least another six were not really controversial, with only one or two dissents being noted. Could not all 23 of these cases—or an overwhelming percentage of them—have been assigned by a consensus of the Court to be heard by five justices, thereby freeing almost half the working hours which went into them? And of the 69 cases which have been argued and not yet decided, a very substantial number do not require consideration by all the justices. Will the Court's authority "depreciate" (as the study group report asserts) if only five justices hear and decide whether the word "enterprise" as used in Section 3(r) of the Fair Labor Standards Act should be read to cover *all* buildings managed by a single real estate management firm or each building individually? Or if less than nine decide whether the statutory witness fee ($21 per day for a testifying day and $1 per day for any other day) is adequate compensation for material witnesses held under arrest? Or if not all the justices participate when the Court decides whether a tax-avoidance arrangement worked out for a medical partnership is lawful? By law, a quorum of the Court is now six justices. An amendment that would authorize the full Court, with not more than a single dissent, to assign a case to a panel of five would save time with less prospect of harm to the decision-making process than the proposal suggested by the study group.

The Supreme Court has taken many steps to conserve its time over the past few years, ranging from eliminating the lengthy bar admission proceedings which started each day to reducing by half the standard time allotted for the oral argument of each case. Other measures may, and probably should, be taken—not necessarily because the Court is overworked, but because it is important that its job be done as efficiently as possible. As for the proposal that a national court of appeals be created, one might hope that the Congress will join Chief Judge Friendly of the Second Circuit Court of Appeals who announced after the first reports that he was "profoundly unconvinced."

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Stanley Kauffmann on films

Last Tango in Paris

(United Artists)

And after all the advance fuss, what *is* Bernardo Bertolucci's film? Three films. One is new Bertolucci, one is old Bertolucci, and one is old New Wave. The first of these parts is what has been most loudly touted, and, surprisingly enough, this touted part is the best in the picture.

The "new Bertolucci" sections have an unexpected strength and engagement. The good scenes in *Tango*, though never quite free of attitudinizing, strike toward something black and truthful, something deeper than the director's self-licking sleekness in the past (and elsewhere in this film). Those good scenes deal with Marlon Brando, an American whose French wife, the owner of a small hotel, has just committed suicide. He is 45, a battered soldier of fortune. We see him at the start wandering dazedly in a Paris street. Maria Schneider, a 20-year-old girl, passes him, notes him briefly, then goes on to look at an empty apartment that she is thinking of renting. (Why? She and her widowed mother have a big apartment and a country house. She doesn't need an apartment until her boyfriend proposes, much later.) She finds Brando slumped in a corner of the apartment. (Why is he there? He doesn't need an apartment; he has a whole hotel.) In this empty place, after some desultory conversation, not overtly sexual, after some (presumably) symbolic stuff with telephones, he suddenly grabs her, she suddenly acquiesces, and they make some violent love.

They agree to go on meeting in this apartment, which he rents and furnishes. He insists that they never tell each other their names. (Is this why he doesn't take her to his hotel? Is this why he rents the apartment? A prodigal gesture, renting and furnishing a rendezvous, for a man not shown to be rich.) He wants to make their meetings something distinct from the daily traffic of their lives, a discrete pool of fornication into which they can plunge with, so to speak, disembodied bodies.

She is herself highly sensual, but she also seems to be aware that she is serving some desperate need of his. As the film progresses, we see that this need is for a nerve-naked shock, a fierce gobbling of sensation to distract him from a new fear of mortality. His wife's death, unexplained and unexpected, has apparently frightened him, and he devours this girl as nourishment against the cold.

She is slightly frightened by him, though she denies it, and very excited. The subtlest element in the film is her unspoken, possibly unconscious perception that, in this battling of their bodies, in which he sometimes abuses and degrades her, she is bound to emerge the winner.

The language of these scenes is frank, his in particular. (Brando speaks some French, which is subtitled, but most of their dialogue is in English.) As for the sex acts themselves, although some of them are graphically mimed, they are all simulated; and that simulation is much less graphic than in, say, *I Am Curious (Yellow)* or several Andy Warhol films. A lot has been written about the "breakthrough" in *Tango*, about how porno films have paved the way. Don't believe it. In explicit detail *Tango* does nothing that has not been done in past "program" films, and it is physically fake where porno is not. The only and obvious difference here is that a famous star is involved, more famous than Jeanne Moreau was when she made *The Lovers*, but what he does is not much more explicit than what she did 'way back there in 1959. The publicity has carefully suggested that you can actually see Brando "do it." You can't. You never even see him fully nude, though Schneider frisks about in her pelt. (When I told a lecture audience that they wouldn't see Brando's organ, the ladies groaned.)

But the *atmosphere* of hot hard sex is there and—for a time—gives these scenes a feeling of collision and relief. Then the tension begins to ebb: as Brando's autobiographical musings dribble into the commonplace, as his rue-laden background seems not particularly rueful, and as his bitter iconoclasm—on the subject of the family, for instance—sounds more and more undergraduate. The character, instead of resolving and deepening, dissolves into a patchwork of platitudes and actor's improvisations; and the power of the sex scenes dissolves, too. Until then, however, there is a new touch of iron in Bertolucci.

All the rest of the film, including the rest of the Brando-Schneider story, is poor, and there is a great deal of it outside that story. The old Bertolucci inflicts on us the garishly melodramatic (a long scene with Brando and his wife's laid-out corpse, in which he reviles her, then breaks down and weeps); and an ultimately stupid obsession with photographic chic (the penultimate scene in a dance hall where a tango contest is going on). Vincent Storaro, who made *The Conformist* look like an issue of *Vogue* devoted to fascist Italy, is once more the obtrusive cinematographer.

Then there are the "old New Wave" sections. These include all the scenes

(continued on page 33)

Films Worth Seeing

Cries and Whispers. Inferior Bergman, with no real ground or progress in its story of three 19th-century sisters, but beautifully executed.

The Discreet Charm of the Bourgeoisie. Buñuel, apparently getting younger, mocks the fantasies of the stuffily corrupt with pitiless wit.

The Emigrants. Liv Ullmann. Max von Sydow. If that's not enough, some truth about 19th-century Sweden that drove people to the US.

Jeremiah Johnson. Robert Redford as a trapper in the Rockies 130 years ago, in a picture of exceptional authenticity.

The Ruling Class. A generally fascinating mess about a religious nut who inherits an earldom. Peter O'Toole fine, as are most of the others.

Traffic. Jacques Tati's latest comedy is his best: a balletic spoof about auto madness. Actually more to be looked at than laughed at.

Under Milk Wood. OK, so it's *not* a "real" film. But there are lots of nice pictures and some lovely speaking of Dylan Thomas' tumbling poetry.

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Crawford Woods on TV

Tube Tap III

First let me contend with the mostly good but sometimes awful renaissance of Dick Cavett on ABC. Opening night gave us Mr. and Mrs. Paul Newman, who seemed hostile and half-stoned and had nothing to say worth nine let alone 90 minutes of anybody's time; Cavett matched them aborted pause for pause. Colonel Anthony Herbert came by the next night to turn Barry Goldwater into a set of rabbit tracks; Cavett wisely gave them their heads for one of the strongest hours of TV I've ever seen. Laurence Olivier had the full 90 next on a show taped in London, and was an unalloyed joy, gracious, responsive and wise. D. C. handled him with, depending on how you feel about these things, refreshing irreverence or mildly bad manners. I missed Orson Welles, since if you don't see him this week you can always catch him next, but came back for Ray Charles, who was splendid. The conversation that night was a sandwich of tact and candor, and the music included a blues rendition of "America the Beautiful" that made Jimi Hendrix' famous parody of "The Star-Spangled Banner" seem mere sarcasm by comparison. Charles started with the final verse and finished with the first one—exactly why, I'm not sure, but it fixed a plausible frame for a performance so chillingly beautiful, so full of grief, hatred and love, that I doubt anyone who heard it will ever be able to sit through a dutiful version of the hymn again.

I've dwelled on these three minutes out of a week of offerings because right after the show was over came one of those hellishly apposite counterpoints that sometimes turns broadcasting into a symbol-monger's joy, such as the time a DJ announced a horrible air disaster and blindly followed by playing "Date With An Angel" . . . in this case, it was the news. It was a newscast at two in the morning in the snowy desert on the first day of the Vietnam truce.

Naturally, after Henry's "peace is at hand" declaration, we all expected to be fooled a little, but here was instant replay with a vengeance. Bombers over Laos and Cambodia. Ground action at full fury. Newsreels of a dead VC (sorry, Charlie) and a snapshot of an American colonel cut down minutes before the truce who was, as the announcer accurately said, "that most poignant of all battlefield deaths—the last one." (The news would be quick the next day with the name of the first American killed *after* the truce.) As I watched the familiar strips of harried, jerky film, images full of the tense reminder that the cameraman himself was dodging bullets, I felt as though I were back in 1964 or '65, before loathing of the war became a common bond, when people used to sit at their teletrays munching prefab beef pies and watching pink dots of tracer swarm into triple-canopy, seeing the abrupt figures of men (little yellow fellows, mostly, ours and theirs) dodge and crumple, with no more emotion than they might watch Matt Dillon drop a gunslinger; and it occurred to me that for years now we've been much less accustomed to seeing this kind of close combat in our living rooms. The war became too horrible for us to be able to tranquilly see its specific dead. Apparently, now that it's over, we can stand to watch it being fought again.

One came to ABC's "Kung Fu" with a kitbag of praise at the ready: it would be the weirdest program on TV, karate at the OK Corral, new *sake* in an old canteen. Alas. Putting David Carradine in yellowface does not make a Shaolin priest, and putting him in Arizona or wherever doesn't even make a western. The show is super arty—lots of flashbacks to the monastery in China where he soaks up the reverence for life that makes him loath to use his killer hands and feet *unless*—plenty of slow-motion bullet holes and spinal taps à la *The Wild Bunch*—but none of this conceals the essential shallowness of the concept that produced the series. One would like to have been present at that meeting: "Listen, A.B., how about this one? We take this Buddhist monk, see, the kids all *love* that shit these days . . ."

David Carradine, in fact, could be worse as the flat-fisted priest. He looks a bit Chinese and his remote gentle air is what the role calls for. But he's been given a counterfeit situation to work with, and no amount of drifting desert scenery or electronic temple bells can conceal it. Perhaps one's special disappointment with the feel of "Kung Fu" is rooted in a sense that the idea fails to come to terms with the genuinely interesting and untouched-on subject of the Chinese role in the old west—except occasionally, as when a suspicious cowboy demands at one point, "Where's your horse?" and Carradine quietly replies "I walk."

Perhaps "Kung Fu" shouldn't be written off quite yet—few 60 minutes of television deliver 60 good seconds—but with the best will in the world, it's hard to see in this program much to distinguish it from its less bizarre competitors. (While we're still on westerns: I saw by chance a recent "Hec Ramsey," and want to say again what a good show this is. Richard Boone is molded to the role and his changing supporting cast is right in step. The engineering—camerawork, direction, editing and so forth—is swift and accurate. Causality is back in style in this series, coincidence kept at a minimum. Humor is frequent, frequently vulgar, and not infrequently bracingly sick. The violence is in realistic perspective, being neither comic nor gory. Particularly after "Kung Fu," "Hec Ramsey" looks like the real thing.)

Another idea—and this one is very good—plugged into the up-for-grabs Cavett slot at ABC is something called "TV Times," which trumpets itself as the first criticism of television on television, and so it is. "TV Times" was unimpressive in its first showing—lots of sour snottiness and bogus daring (*Playboy*'s fashion editor scorning Tricia Nixon's wardrobe, Margot Hentoff being ever-so-arch about Julie Andrews), but there was at least one valuable look at an important air product—an analysis of the nightly newscasts of the three networks which concluded that the difference between them was nil. David Susskind is responsible for the show, which may have been prompted by the "media critics" many local stations are starting to carry on their own newscasts, on which TV is getting some healthy lumps from TV people themselves. At present, there are no plans to make "TV Times" a regular series, but it would be a pity if none developed. A show like this one needs some time to jell, find its proper topics and the best people to rail on them. It is unusual and should be encouraged to survive.

The mysterious Sedulus recently crept into this space to heap blame on the CBS-Joseph Papp-A. J. Antoon-IBM-William Shakespeare *Much Ado About*

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Nothing, which I must admit seemed very fine to me. Sedulus' feeling was that the modern (relatively) dress of the production warred with the text, creating in effect two plays "with the Shakespearean . . . rendered hysterical by its competitor." A supportable point. Still, to me, the setting (1910 small-town USA) somehow had the curious effect of requiring the actors to deliver their lines with the brash ardor of a first-rate high school drama class, which in turn made the words new and newly funny, neither lost in the vaudeville nor preached out in the manner forced by most modern-dress Shakespeare, which is often more like reading than seeing. The whole production seemed consciously anti-RSC, ignited by a respect for the text coupled to disdain for its usual "classic" presentation. This could have been mere gimmickry; I thought it a resounding success, and have only praise for actors who kept their ranges in check to foster not one, but two illusions: worlds of the play timeless and in specific time. Very true that this reading of the play was spasmodic, mordantly chic in its determination to milk each scene for maximum yucks and tension, at the expense of the flowing whole. But it seems to me that by some alchemy—rare enough in the theater and virtually banned from the tube—the fine performances and the swift, determinedly American cadences of the speech achieved something with this play more striking than any reverent imitation British production could have done.

Big Families Do Pay

The Death of Progress

by Bernard James

(Knopf; $5.95)

The Myth of Population Control: Family, Caste, and Class in an Indian Village

by Mahmood Mamdani

(Monthly Review Press; $7.95)

The Human Dilemma

by Herbert N. Woodward

(The Brookdale Press; $5.95)

Each of these three very different books is in its own way a commentary on what I have been calling the "crisis of closure," the long crisis of the human race which arises out of the fact that its numbers are beginning to approach the carrying capacity of the earth. After having expanded for a long time on what was psychologically an infinite plane, the human species has suddenly come face to face with the fact that it inhabits a small, crowded, fragile planet and has really nowhere else to go.

The book by Bernard James, who is a professor of anthropology and director for the Center for Advanced Study in Organizational Science at the University of Wisconsin, could perhaps be best described as a murky cauldron of gloom, illuminated by bright flashes of insight. The bibliography suggests a rich but disorganized fund of reading, ranging through the humanities, history, psychology, cybernetics, existentialist theology and sociology, though not much economics. The style is aphoristic, with frequent striking phrases. This reader must confess, however, that he got to the end of the book without having any very clear idea of what the author was trying to say, except, of course, that progress is a bad thing, or at least something that must come to an end. The illusion of perpetual progress is responsible for a lot of our present difficulties, so we will soon have to come to terms with the coming stationary state. Even though the last chapter is entitled "Toward A Steady-State Ideology," it is hard to see any real ideology emerging, except a rather murky compromise between rationality and the dark underworld of the subconscious. Yet the book is full of provocative phrases and ideas, even if it leaves one with a vague sense of dissatisfaction as of something not really worked through.

The book by Mahmood Mamdani is a totally different kind of enterprise, and I can hardly praise it too highly. It is a study of why the big birth reduction campaign put on by the Indian government and the Ford Foundation in an Indian village in the Punjab failed so dismally. It is a study of one village in what was called the "Khanna Study." It gives a remarkable picture of the structure and the life of the village, where the people emerge as real people in all their complexity, and the village emerges as a real structure of castes and classes, of old patterns dying and new patterns being born. The message is very simple—nobody will restrict his family unless it pays to do so—and the brutal truth is that, especially for the poor in circumstances where some emigration is possible, big families do pay. The blind assumption, therefore, of the population controllers—that all one has to do is to put on a big educational campaign and persuade the villagers to use birth control—neglects completely the realities, both of the class structure and of the payoff structure. The Ford Foundation took great pains to make the Khanna Study "Indian," and hence to take account of national differences. What it did, however, was to make it a middle-class Indian project, and the class differences here are almost certainly of greater magnitude than the national differences. The author shows convincingly that almost the only present hope of a rise in status of the lower-class people in the village is to have a big family of sons, who could either work land for the parents and so develop savings with which to acquire more land, or migrate to the city and

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send back emigrant's remittances. This is something which the population control people have completely overlooked.

The author keeps to his narrow problem and does not try to draw any large-scale conclusions. Nevertheless, more conclusions can be drawn from this study than from the rather vague philosophical speculations of the James volume. Here indeed, we have the predicament of the human species in a nutshell. It is the conflict between private interest and social interest. What pays for the individual and is rational for the individual does not pay and is not rational for the whole society. There is no answer to this except through changing the payoffs of the individuals who comprise the society, and whether this can be done without large changes in the structure of power, taxation, property rights and so on, is the critical question.

There are fascinating accounts, also, in this study of the rising impact of the "green revolution"—the use of new, higher-yield varieties of grain—on the distribution of income and power in the village. These changes have profound implications for economic development and present some agonizing dilemmas. The old middle class rises at the expense both of the old aristocracy of the Brahmins and of the old lower castes of small farmers and craftsmen. One begins to see development as a Greek tragedy, and wonders if any way can be found for making it less so. The lesson of this volume is that if the world is to be saved, we must know what it is like. It is no use trying to save an imaginary world; we can only save a real one, and this reader, for one, feels that one study of this kind, even though it only throws its spotlight on a tiny corner of reality, is worth a dozen speculative treatises.

Herbert N. Woodward, the author of the third volume, might perhaps be described as a "Sunday author," as he earns his living by being a successful businessman. However, it is well for professionals to remember that Van Gogh started off as a Sunday painter, and Mr. Woodward writes very perceptively about the present human dilemma, which he sees very clearly as an approaching crisis of closure. His solution, however, is startling. It is nothing less than the exploration of the universe and interstellar migration. I must confess I remain solidly unconvinced that this is a practical solution to our present crisis. The sheer energy and materials requirements of transporting any number of human beings a hundred light-years or more convinces me that the exploration and colonization of the universe is a very long chance indeed, and I would hate to have to rely on it for the solution of the human dilemma. In any case, we have seen a new world on this planet become old in a mere 400 years, and expansion, even to new planets, merely postpones the day of reckoning of the stationary state. I am inclined, therefore, to think that Professor James has a more realistic appreciation of the nature of the problem, even if he is pretty short on answers, and that what we really need at the moment is about a thousand Mamdanis to give us a clear picture as to what the world is really like, so that we will have some chance of moving into a less self-destructive dynamic on this lovely planet.

Kenneth E. Boulding

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*The New York Times Book Review
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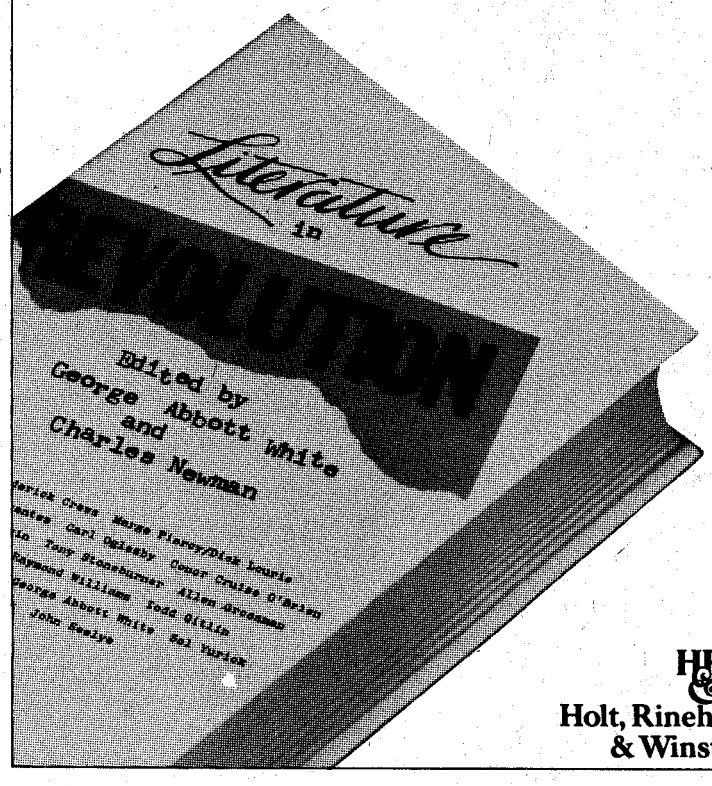

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Practicing the Art of Multilateral Diplomacy

Hammarskjöld

by Brian Urquhart

(Knopf; $12.50)

Public Papers of the Secretaries-General of the United Nations Volume 2: Dag Hammarskjöld 1953-1956

edited by Andrew W. Cordier and Wilder Foote

(Columbia University Press; $22.50)

Others have attempted to tell the story of Dag Hammarskjöld's career as secretary-general but Brian Urquhart, who has worked for the United Nations since its inception and is now an assistant secretary-general, is the first to be given access to Hammarskjöld's papers. The result is a massive and honest portrait of a man who held what Trygve Lie called "the most impossible job on this earth." Hammarskjöld's public papers have long been available but never readily accessible. Some are buried in UN archives and the rest—his press statements, radio and television broadcasts, and magazine contributions—are not in any one place. Now these papers are being collected as part of a larger project on all the secretaries-general, and the first of four projected volumes on Hammarskjöld's tenure is completed. Edited by Andrew Cordier and Wilder Foote, who were close collaborators of Hammarskjöld, it is a solid, accurate volume, rich in information on how Hammarskjöld saw his role in the UN and the UN's role in the world.

Time and again Hammarskjöld demonstrated talent for what Sir Patrick Dean called "reconciling the irreconcilable." When the General Assembly called on him—after all other channels had failed—to negotiate the release of 11 US airmen shot down over China during the Korean war, Hammarskjöld cabled Chou En-lai and asked to be received in Peking. In doing so, Henry Cabot Lodge later noted, he "put his life's reputation as a diplomat on the chopping block." For the first time a secretary-general personally visited a capital for negotiations. In Peking, he explained he had come not as the emissary of one nation or even a majority of nations as expressed in a General Assembly vote, but as one who was responsible for the cause of peace as expressed in the UN Charter. This was the face-saver the Chinese needed. The flyers were released and to emphasize that it was Hammarskjöld's doing, Chou chose to hand over the prisoners on the secretary-general's birthday.

When the truce in the Middle East was threatened in 1956, Hammarskjöld embarked on a four-week diplomatic marathon, back and forth from Arab capitals to Israel. His success was temporary. Nasser responded to the West's refusal to finance the Aswan High Dam by nationalizing the canal. Britain and France, with Israel as accomplice, used the incident as a pretext for launching a preventive war against Egypt. The UN appealed for a cease-fire but the participants refused to comply and the war continued. It was only when Hammarskjöld developed the idea of deploying a UN peace-keeping force that the two Western powers were provided with the device they needed to withdraw without suffering unbearable humiliation. In one morning Hammarskjöld dictated the first three pages of his report on the establishment of the United Nations Emergency Force (UNEF). In the afternoon he completed the document. Not only did it get Britain and France off the hook of the Suez Crisis, it kept the peace in the Middle East for over a decade and became a model for similar forces dispatched to Lebanon, Cyprus and the Congo.

When, in 1957, he was unanimously reelected to a second five-year term of office, he told a friend "I see a sprinter-run turned into a marathon operation." When a reporter asked him if he liked his job, he replied: "Well, it seems incredible but I do."

His greatest exercise in crisis management came in the Congo, and the violence that erupted in that country within a week of its independence from Belgium in 1960 was to dominate the rest of the secretary-general's life. For the first time in history, he formally invoked Article 99 of the charter which gave the secretary-general the right to bring any matter before the Security Council which he felt would threaten international peace and security. He proposed to replace the Belgian troops who were on a rampage in the Congo with a UN emergency force composed entirely of troops from independent African states. His plan seemed to work until Tshombe, who headed the secessionist Katanga government, threatened to use armed force against any UN personnel who set foot in his territory. At one point Ralph Bunche, flying in a UN plane, was told he would be shot down if he attempted to land. Though Hammarskjöld had not recognized Katanga's independence he decided to fly to Elisabethville and talk with Tshombe. It was an extremely risky initiative. During the 25 minutes he was circling over Elisabethville and speaking to Tshombe in the control tower it seemed to his companions that they were lost. But Hammarskjöld got Tshombe to accept UN forces in Katanga. But in dealing with Tshombe, Hammarskjöld had wounded Prime Minister Lumumba's pride and Lumumba decided to bypass the UN and seek aid directly from the Soviet Union. When Western powers countered by supporting either Kasavuba, the Congo's president, or Mobuto, Lumumba's chief of staff, the Cold War took over. At the 15th session of the General Assembly, where 23 heads of government and 57 foreign ministers had gathered, Khrush-

NOTES ON CONTRIBUTORS

CRAWFORD WOODS *free-lances from El Prado, NM.* KENNETH BOULDING *teaches economics at the Institute of Behavioral Science at the University of Colorado.* DONALD T. ROTUNDA *is the author of the forthcoming* Britain and the Italian-Ethiopian War. SAUL MALOFF *is the author of the novel* Happy Families.

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chev proposed in a vehement speech that the office of secretary-general be abolished and replaced by a "troika."

Time passed, Lumumba was arrested and died in custody. In New York the Security Council was interrupted by a well-organized riot in the public gallery. With all progress at a halt it was obvious that the future of the Congo depended on an early solution of the Katanga problem. Hammarskjöld hoped to reconcile Tshombe with the central government. "If *this* succeeds," he told his Swedish aide, "we may have a decent Assembly." He offered to meet Tshombe anywhere. A rendezvous was arranged at Ndola in Rhodesia. But as the secretary-general's plane was making its approach to land it brushed some tree tops and crashed. Three days later Tshombe concluded the cease-fire agreement. The following month the Norwegian Parliament announced that Hammarskjöld had won the Nobel Peace Prize.

He was a virtuoso in the art of multilateral diplomacy. He couldn't stop the Soviet repression of the Hungarian uprising or do much about America's cloak and dagger operation in Guatemala. He was unable to negotiate a disarmament agreement or to find a peaceful solution to the problems of Indochina, for the root cause of the trouble in these situations was the policies of the super powers. When participants in a dispute were genuinely interested in settling their differences, Hammarskjöld proved exceedingly resourceful.

He believed the UN could not impose peace in a world dominated by the great powers, but could offer a forum. It could protect the smaller nations who, collectively, had strength as part of the international community. He was not afraid to rebuke the great powers when they misused their strength, but whenever possible he preferred quiet diplomacy over public debate, so that antagonist governments could retreat without embarrassment. He was inspired by the idea of selfless service, yet he was an exceedingly practical man. Early in his career he said that, "when trying to change our world, we have to face it as it is. Those are lost who dare not face the basic facts of international interdependence. Those are lost who permit defeats to scare them back to a starting point of narrow nationalism. Those are lost who are so scared by a defeat as to despair about the future."

Donald T. Rotunda

In Brief

Bucky
by Hugh Kenner

(Morrow; $7.95)

What does Buckminster Fuller have in common with Ezra Pound (aside from having been written about by Hugh Kenner)? Both Fuller and Pound became students of synergy.

What is synergy? Synergy once was a dull old Greekish word describing the "cooperation of divine grace and human activity," or merely "a cooperative action of discrete agencies (as drugs or muscles)." In Bucky's hands the word has become "the behavior of whole systems, unpredicted by knowledge of the component parts or of any subassembly of components," a behavior that became his life study as a philosopher-mathematician-engineer.

It also became Pound's life study as a poet. When Pound had written only 20 or 30 of the Cantos that were to become his life work, he told Yeats that upon the completion of Canto 100 the structure of the whole would be apparent, which was to say that the "wholeness" of the "system" would then be apparent. I think he failed in this enterprise but the failure, if it was one, was one to sympathize with; it could be compared to the failure of one of Bucky's domes to rise (one at Black Mountain didn't, and he said of it that it was his "supine dome"), a practical failure that should not be allowed to undermine the potential validity of whole-system theory.

Fuller had successes as well as failures in his dome world, whereas Pound—at least in the opinion of many of his skeptic-readers—had no long-poem (or whole-system) successes at all. To them he will be remembered for short poems and fragments, or for theory merely. Bucky has, then, a better track record, and Hugh Kenner's book gives that to us with a fine mixture of enthusiasm and precision.

It is not a biography in the ordinary sense, but an explication of Bucky's

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theory and theory-world; yet if Kenner had in fact set out to devote more time to the life than the mind of his subject he would doubtless have been frustrated, and have come up eventually with much the same book—since Bucky Fuller's life has been, like the lives of his New England transcendentalist forebears, essentially a life *of* the mind. Kenner's book is a remarkable tribute to him, and worth reading by engineers or poets—though the former will be more at ease with the tetrahedrons and radiating vectors.

Sixties Going on Seventies
by Nora Sayre

(Arbor House; $9.95)

The title of Nora Sayre's book suggests something not wholly borne out in the text—that is, that we are to be given a graph of the way the last decade delivered this one. The only additions to the articles as they appeared in magazines (primarily in *The New Statesman)* are footnotes to each item (the author still feels that way; the author no longer feels that way) and an introduction wherein Sayre spells out the methods that yielded the material ("I find it hard to forgive those among my fellow reporters who invent a single quote or character. Let them write fiction.").

The reader leaves convinced that the author has been faithful to fact as she found it. Whether writing on political conventions, black and/or white power, war at home and abroad, film and theater, or the unique joys and miseries of living in New York, Sayre is both compassionate and undeceived. Her sympathies are openly with bloodless revolution, but she caters to no special interest, writing with merciful humor on a John Birch Society meeting, or with bleached irony of youth-cult excesses. She has a rare gift for illuminating metaphor and for dramatizing absurdity. Occasional journalism does not often deserve the relative permanence of hard covers, but Sayre's collection needs no excuses.

A North American Education
by Clark Blaise

(Doubleday; $6.95)

The first story in this well-written "book of short fiction" takes place during a bitter winter in Montreal, as a young professor of English walks through the streets, ruminating about his life as an American exile among the crowds of Polish, French, Greek and Spanish immigrants who live around him. It's a perfect introduction to the author's outlook: detached, chilly and desperate. The North American education he describes is obviously his own, which the book flap tells us encompassed "25 schools before the ninth grade." Like the character in the stories, Mr. Blaise spent his childhood in the South, became a professor of literature, married an Indian novelist (Bharati Mukherjee) and left America for Canada in 1966. This is his first book. The stories are presented in reverse order, so that we read about a married man in Canada first, and later about a boy growing up in Florida. The theme in all is loneliness; the narrator is not just an exile by geography, but an outsider among his peers, a victim of small cruelties and common poverty. The book is pent with frustration, images of restriction, a feeling of being shut away from excitement, of being near but just beyond the grasp of power. Blaise describes this best in the last story called "Snow People," about a furniture salesman whose family is cheated of its money, chased out of town and sent packing up the road. After a dreary trip up the coast from Florida, they land in Jersey City, "where the tips of Manhattan skyscrapers were faintly visible beyond the bluffs. It was the oldest hotel yet, with high-ceilinged rooms that were still overheated, cracked hexagonal tiles on the bathroom floor, spots of old tomato paste along the wall near the electric outlet. . . . It seemed to the boy that first night in Jersey City that they had come to the end of the world; the swamps and river separating them from Grand Central Station, museums, subways, the Empire State Building, the Stork Club, Central Park, Radio City, the Yankees and the Statue of Liberty was the same intractable, impassable barrier that doomed him always. New York was *there*, five miles away!" Although it isn't clear just what Mr. Blaise's North American education has taught him, this abhorrence of shabby towns and shabby lives is the key. He now lives in Montreal, where if he isn't at the center of things, at least no one else claims to be there either.

Catholic America
by John Cogley

(Dial; $9.95)

The Harrisburg 7 and the New Catholic Left
by William O'Rourke

(Crowell; $6.95)

If American Catholic journalism has a dean it is John Cogley. In this reasoned and reasonable survey and summary of Catholic life and thought in the United States he proves his right to the title. *Catholic America* contains all one ever wanted to know about Catholicism as it has lived side by side with American government and the founding fathers' stern separation of church and state, narrated simply and without any trace of parochial heat.

There is in the volume a first-rate historical review which revives, for those who may have forgotten or introduces to those who never knew, such early and influential figures as Bishop John Carroll, an 18th-century defender of tolerance and government-church separation, and later, Archbishop James Gibbons of Baltimore who fought hard for freedom of speech and the free ex-

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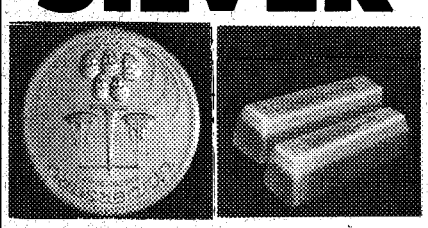

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change of opinion, Archbishop John Ireland, a 19th-century partisan figure in American politics, and Cardinal Spellman: Cogley's study of the late prelate is a fine, concrete, short chiller in American ecclesiastical reactionism.

There is, as well, a good survey of ethnic and geographical differences in the church, of the role of the clergy and the religious orders and, best of all, an almost complete compendium of 20th-century movements within the American church both before and after the Vatican Council of the early '60s. It is to be expected that Cogley would be very good on the Catholic Worker movement (in which he actively participated), and most fair to the strengths and weaknesses of the Catholic press itself, although he may have somewhat overrated the importance to the fight for freedom in the church of the *National Catholic Reporter*. His consideration of parochial education is good, although inexplicably he fails to mention the very real contribution of Mary Perkins Ryan to the subject in the '60s, while relying somewhat too heavily on the work of Andrew Greeley without reference to sources outside the church such as Riesman and Jencks. But he recognizes, as few historians (except Richard Hofstadter) have done, the full force and fury of Catholic anti-intellectualism, at the same time as he pays tribute to other, more positive contributions which the Catholic population has made to the shape of American character. The book is so complete that it perhaps makes small omissions more glaring: this reviewer looked in vain for any mention of the minor heresy of Father Leonard Keeney or the more recent traditionalist movement of Father de Pauw.

The moderate almost speculative tone of the book gives genuine authority to its conclusions, which are, simply, that the recent state of mind of the American Catholic church is close to that of nervous breakdown, that the tensions created by the current crisis of faith and the impact of modernity on the intellectual leaders of the church will persist even after the structures of the organization have been democratized, and that the real hope for the future lies in the acceptance by the whole ecclesiastical community of "the unpopular and difficult role of the prophet." As sect only, not church, can the church mind hope to judge the actions of the world and, as well, its own, and following the prophetic example of the Berrigan brothers, begin to see religion as integral to life, part of its action and its process, not a separate activity.

William O'Rourke's history of the recent Harrisburg trials is vivid, lively, almost frenetic. It is written in a kind of studied lyrical style that at times does less than justice to the seriousness of the matter at hand. For instance, the young (28-year-old) writer finds it possible to say that "Dan Berrigan was a fugitive from the spring of 1970 through its summer, an *ignis fatuus* flitting over the decaying matter of this country" and again, "Catholics have the tradition of Limbo: the region on the border of Hell, the abode of the just who died before Christ's coming, and of unbaptized infants. For Catholic radicals, draftboard raids lived in the region on the border of violence, but a region where they could safely trespass."

This arch phrase- and image-making, drawing heavily often upon classical and Biblical literature, goes a long way toward disguising the fact that O'Rourke is a good and sensitive reporter, with enormous sympathy for his subject, who knows how to marshal facts and read character. His book is not so much dispassionate history, like Cogley's, as it is a paean to the seven religious revolutionaries, a rueful but loving acknowledgment of their "brave and foolish letters," and a solemn threnody for the Catholic left, "broken by the mortar and pestle of this trial."

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Reconsideration

All the King's Men

All the King's Men was published in 1946, was welcomed with glad cries by some serious critics, won the Pulitzer Prize in 1947 and no doubt would have made off with the NBA had there been one at the time. Almost immediately it ascended to the sparsely occupied heights of "important" American novels, indeed an instant "classic" eminently suitable as a required text in college courses. Ordinary human error and bad judgment apart, how can this possibly have occurred? Before looking into this question let me call back to mind some of the novel's properties.

All the King's Men
by Robert Penn Warren
Originally published in 1946 by Harcourt
Now available from Harcourt Brace Jovanovich, $7.50;
Modern Library, $2.95;
and Bantam, $1.25

There's a statement in the novel by Governor Willie Stark (the Huey Long character) that calls attention to itself as a "key" to theme and intention. Stark has just been informed that Judge Montague Irwin has announced his support of Stark's political opponent; whereupon he commands his factotum, Jack Burden, the novel's narrator and protagonist, to dig up whatever dirt he can find in Irwin's past as a way of blackmailing him to return to the fold. Irwin is an old family friend of Burden's and his boyhood mentor, a distinguished citizen, an old-school gentleman of absolute integrity and public servant of seemingly untarnished honor. Burden balks feebly saying to Stark: "I don't reckon you will find anything on Irwin." "You find it," Stark repeats. "But suppose," Burden says, "there isn't anything to find?" "There is always something." "Maybe not on the Judge." These terse exchanges have prepared the way for Stark's little sermon on Original Sin: "Man is conceived in sin and born in corruption and he passeth from the stink of the didie to the stench of the shroud"—and adds: "There is always something."

So of course Burden looks to the sources of sin—money and sex; pokes about a bit in old newspapers, and learns that even Irwin was once susceptible. He even cuckolded an old friend and fathered an illegitimate child who became Jack Burden, and when he learns that the child is dredging up the buried truth he kills himself. Burden's filiality is further complicated by his relationship with Stark, which is in some figurative, and certainly intended, sense that of son and father. We must, all of us, kill our father, for "the truth always kills the father." It is all very Greek.

Early on, in a passage which can only be described as "brooding" and "darkly lyrical," Burden, invoking repeatedly "the dark which is you," reflects that "the end of man is knowledge," and then darkens this unexceptional statement with ominous foreshadowing: "He can't know whether knowledge will save him or kill him." There's enough killing to satisfy the most Jacobean taste for gore: apart from the off-stage deaths, principally Irwin's suicide, there are the almost simultaneous killings of Stark at the hands of Dr. Adam Stanton (when the latter discovers that his sister has become Stark's mistress) and of Stanton at the hands of Stark's bodyguard. There is also some saving, though a good deal less of that, since knowledge mostly kills. Thus the plot combines elements of grand guignol and Southern Gothic with those of sentimental romance, all of it closely stage-managed.

A greater sin than the plot is putting the novel in the mouth of a posturing, prolix, self-dramatizing prig whose whining garrulity never allows us a moment's pause in which to observe characters and events even if we were disposed to want to. The stock of Burden's mind, and the scope of his reading, must resemble Warren's own rather too conveniently. A former newspaperman and political reporter and currently Stark's flunkey, Burden was once a doctoral candidate in American history, was in fact writing a biography of an ancestor killed in the Civil War when, overcome by epistemological anguish or ennui or a sense of futility, he decided that mere accumulation of facts doesn't yield up The Truth and dropped out of graduate school into the "real" world. En route from one to the other he managed as well to assemble an impressive classical, theological, philosophical and literary education: all this, combined with a fatal weakness for metaphoric flourish, a deep compulsion to describe the world to its last hue, shape and texture and a wanton taste for cadenced, purple prose, makes of him a thoroughly effective impediment to the progress of the novel.

Burden vaporizes relentlessly about History, Time, Truth, God, Fate, Chance, the Meaning Of It All; nothing can begin to happen but that it releases torrents of overblown, ornamental creative writing, whether the object—or victim—of his meditations be grand or trivial. Everything is worth describing, and at equal length and great pains: the girl he loves glimpsed by moonlight or a house he will enter for a brief, inconsequential encounter. Warren's high verbal and descriptive powers are Burden's, and our, undoing.

The instances of Burden's verbal excess are endless, but let one stand for all, a cascade of words provoked by the discovery that Stark and Burden's girl Anne are lovers: "For West is where we all plan to go some day. It is where you go when the land gives out and the old-field pines encroach. It is where you go when you get the letter saying: *Flee, all is discovered.* It is where you go when you look down at the blade in your hand and see the blood on it. It is where you go when you are told that you are a bubble on the tide of empire. It is where you go when you hear that that's gold in them-thar hills. It is where you go to grow up with the country. It is where you go to spend your old age. Or it is just where you go. . . . It is just where I went." Burden talks that way, all the time, and he won't let up for a breath. And he is the character we are asked to believe, whom knowledge saves, the survivor and hero-of-sorts, the central figure who learns and changes from the wisdom he acquires through pain, loss and suffering.

It's as if there were two quite separate novels held captive within the same binding: one, by far the larger, a huge billowing cumulus cloud, pile on pile of poeticizing and metaphysical effluvium seeded with bravura set-pieces of "colorful" writing; and the other, a family melodrama with Greek overtones in a political setting, tricked out with love "interest" and complicated by a multiple triangle resolved by double killing. If the first of the two had been bodily removed, the remainder would have been not only blessedly

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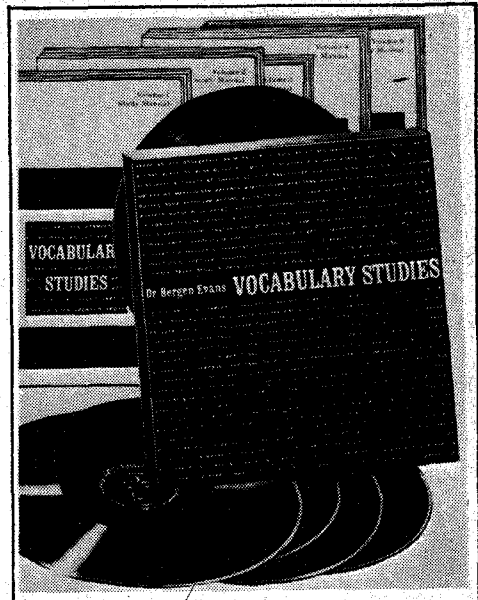
lighter but considerably better in the way of a modest entertainment: a kind of thriller involving sex, mayhem, political machinations and finagling. In fact, the prevailing tone, language and conception of the melodrama derives from nowhere if not from the Hammett-Chandler vein of the American Detective Novel. The characters are a gallery of clichés straight out of that tradition: Stark, the "Boss," a hamfisted, hard-drinking, piledriving powerhouse of a benevolent dictator; Sadie Burke, the political brains behind his rise to power, the hard-bitten durable mistress but ultimately the softhearted Irish girl from the other side of the tracks to whom he always returns after his amorous adventures; "Tiny" Duffy, a henchman and sycophant (and naturally, given that name, obscenely fat and diamond beringed); Sugar-Boy O'Sheean, so-named because of his addiction to sugar cubes, a stuttering, spit-spewing runt though a supreme artist behind the wheel of a Cadillac and the barrel of a .38. So it goes down the line; the characters are ciphers all.

Also, all the obligatory mannerisms of the hardboiled school are ineptly mimicked. No one simply turns his head fast: "The Boss whipped his head around to look at Mr. Duffy so fast all of a sudden there wasn't anything but a blur. It was as though his big brown pop eyes were looking out the back of his head through the hair, everything blurred up together. That is slightly hyperbolic, but you get what I mean." Burden and Stark are having a drink: "Then there was a movement and the wire shifted when Mr. X took his weight off it. Then the hand patted my left hip, and the voice said, 'Gimme a slug.' It was the Boss's voice. 'Take it,' I said, 'You know where it lives.' He lifted up my coattail and pulled out the bottle. I could hear the gurgle as he did the damage. Then the wire shifted again as he leaned against it." A final example: "I got to Mason City early in the afternoon and went to the Mason City Cafe, Home-Cooked Meals for Ladies and Gents, facing the square, then sampled the mashed potatoes and fried ham and greens with pot-likker with one hand while with the other I competed with seven or eight flies for the possession of a piece of custard pie."

The sense of politics in this "political" novel—the political and historical imagination—is of a piece with that of tabloid journalism and the tabloid novel, which is to say it contains that grain of truth hardly worth remarking: it's all a swindle, a deal, corrupt, a fix, every man has a price and everyone's on the take; power resides with those who know where the bodies are buried. It comes down to what the man-on-the-street always tells the inquiring reporter: You can't trust nobody. Stark's populism, and the conclusive evidence that good can come from evil, is the great hospital which is to be his monument; the powerbrokers want the contract, and the pudgy little men want a piece of the action. They'll get theirs by any means necessary; Stark is willing to deal in means, but he'll not compromise the end: that is his heroism, his glory, his saving realism. The only truly virtuous figure is a character scarcely glimpsed: Hugh Miller, Stark's former attorney general, scion of an old landed family, a gentleman of the blood, Harvard-educated, courteous, modest, scrupulous, wise without being sententious, a man who resigns his office because he'll not touch muck, and he does so quietly, gallantly, decorously. He's not in any way associated with ideas, issues, programs; he's just decent and honorable, a matter of breeding and instinct. We never see him performing the work of his office—but that, of course, isn't the point; he's a good man, the best around—that's the point. Miller isn't so much as a shadow of a character; he's a point of reference, the glistening white area on a moral spectrum. When the dust is settled at the end, and Burden is counting the cost and the gain and reckoning a future for himself and Anne that will embody the small human triumph they have managed to wrest from the ruins, he tells us that she has given her ancestral house to the Children's Home which was her philanthropic project and that it will become "a kind of sanatorium." Nothing could be nicer, and that takes care of Anne, and their redeemed life. As for himself, well, he suddenly recalls Hugh Miller, who has been gone for half the book. Miller, he remembers, once said when "they were discussing the theory of the moral neutrality of history: 'History is blind, but man is not.'" That's the kind of man Miller is, and the kind we may now hope Burden will become. "It looks," he goes on, "as though Hugh will get back into politics, and when he does I'll be along to hold his coat. I've had some valuable experience in that line." What kind of politics, and to what end, needn't concern us any more than it does Burden. A patrician, for whatever reason, has decided to "get back into politics"—that is the dazzling prospect, the truly happy



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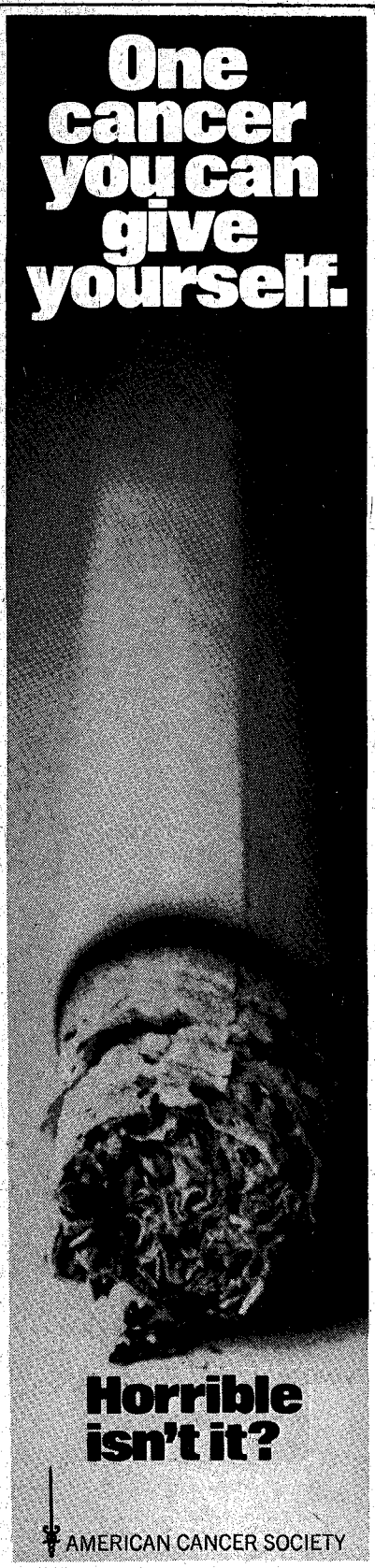
ending (though tinged with a certain sweet melancholy) which we are asked to rejoice in.

And so: how did this extraordinarily bad novel become a "classic"? I want briefly to suggest, without elaboration, some elements of a complicated social and academic account. Such an account would have to remark the revulsion against the "proletarian literature" of the preceding decade; uncritical readiness to see a masterpiece in every other passing novel, especially after the literary drought of the war years; the special place of the South in American letters; the industrious search in the academy for an American literature and tradition, at a time when the formal study of the "field" was not yet quite respectable; general cultural anxiety, a kind of lingering colonial mentality, at once clamorous and apologetic. Above all the reception of the book should be seen as an episode in the history of taste, and of the higher learning. In a period preoccupied with the "art novel" and equivocal about "fiction," it evidently gratified a taste for highly figurative, metaphoric language, symbolic and mythic overtones—what used to be called, in graduate-school cant, "baroque"—the taste of those who don't quite trust the novel as serious literature, who thought of it an inferior species in its native state which must aspire to the condition of poetry; and it was—at the moment when the New Criticism had won ascendancy, had established itself as orthodoxy without rival, in the schools—a "teachable" novel, that is, a novel that could be taught as a poem, if you didn't much fancy novels. (Warren himself, of course, was one of the second-generation progenitors of the New Criticism, and with Cleanthe Brooks one of its most influential evangelists.) It was regarded and touted as a grave, complex, "serious" poem; and so it was taught—as metaphysics, as myth, as theology, as poetry, though it is none of these; it was taught in other words as everything but a novel.

We taught it badly, I think; I remember with acute embarrassment our solemn fatuities about it; and I think now, as I only suspected then, that had we taught it as a bad novel in a bad time for the American novel we would have done much to clear the mind and improve the taste of a generation.

Saul Maloff



Correspondence

Health Care

Sirs:

Eliot Marshall has sounded the death knell for the Kennedy-Griffiths bill because of its costs ("Prospects for Health Insurance," *TNR*, Feb. 3). He has fallen into the Nixon administration trap. He writes that "A House Ways and Means Committee analysis in 1971 put the taxpayer price tag at about $81.6 billion in new money for fiscal year 1974; $24.6 billion more than Kennedy estimated, a staggering sum."

A closer examination of the "analysis" would have shown the following caveat, right on the cover: "Note: This material was prepared by the Department of Health, Education and Welfare; it has not been reviewed or approved by the Committee on Ways and Means or any member thereof."

Political considerations permeated the actuarial assumptions used in developing the estimate. President Nixon, then-Secretary Richardson and lesser administration functionaries had gone before the AMA and other groups to denounce the Kennedy bill for its alleged high costs. The actuarial study was designed to prove the allegations. But the administration spokesman made no mention that the entire costs represented little or no "new" money. It was and is a matter of transferring payments from one pocket to another.

Health care under the Kennedy-Griffiths bill would be paid through a social security trust fund. That is why it is called health security. Payments now made through private health insurance companies and directly out-of-pocket would be channeled through the trust fund. But even by the actuary's questionable assumptions, no more than eight billion dollars annual additional costs would be "induced" through this approach. He reports, in a section apparently overlooked by Mr. Marshall, that if we do nothing, health care costs will rise from the present $80 billion annual level to $105.4 billion in fiscal year 1974. If we enact the Nixon "National Health Insurance Partnership Act" the costs will increase to $107.2 billion. The AMA's Medicredit bill would produce overall expenditures of $109.5 billion; the insurance industry's bill $110.2 billion. And the Kennedy-Griffiths bill, $113.8 billion.

We challenge the assumptions underlying this analysis even though it shows overall health expenditures only six percent higher under the comprehensive, universal, equal benefits health security bill than under the fragmented, double-standard, fourth-class health insurance system proposed by the administration.

The health security bill would finally put a lid on health costs while all the

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other proposals maintain open-ended payments to doctors, hospitals, and other providers.

Leonard Woodcock
Committee for National Health Insurance

In reply:
Unless Mr. Woodcock has better data, I think he will have to rely on government statistics as I have. When he says that "no more than eight billion dollars annual additional costs would be " 'induced' " through the Kennedy-Griffiths bill, he says a mouthful. This administration wants to increase the federal share of health costs by no more than three billion dollars in fiscal year 1974, and this for a few unpromising adjustments of the insurance system that would probably aid the insurance companies more than the insured. The President who vetoed day care in 1971, the water treatment bill and the HEW appropriations bill (twice) in 1972 because he thought them too costly is not the President who will approve a national health security act increasing the federal budget by $58 billion or $81 billion. After all, this is the President who, in order to reduce the deficit on paper by half a billion dollars, proposed that the elderly on Medicare be made to pay more on their medical bills. Knowing that the Kennedy-Griffiths act would immediately increase the country's gross spending on health by "no more than eight billion dollars" a year won't soften his heart.

I agree with Mr. Woodcock that cost is not the most important question, but it is the issue this administration intends to use, quite shrewdly, to fight meaningful reform of health insurance. Those who support the health security concept should be prepared for this, and perhaps look for ways to make the Kennedy-Griffiths bill economically more competitive. The alternative is to wait for a new President.

Eliot Marshall

Banks and Airlines

Sirs:
In his article in *The New Republic* of January 27, 1973 ("Chase Manhattan's Friendly Skies") K.G.J. Pillai argues that the US airline industry is effectively controlled by a few monolithic financial institutions (banks, insurance companies etc.) which exercise their control in 1) directing the airlines' banking and insurance business to themselves, 2) keeping competition between airlines to a minimum, 3) directing airline equipment and other procurement to manufacturers in which they have an interest. As a result, airlines are unprofitable and their fares are excessive. Mr. Pillai concludes by urging the CAB to either enforce an existing law prohibiting multiple control of airlines, or to deregulate the airlines, opening them up to real competition.

Now—banks and insurance companies hold funds for others (depositors and policy-holders). They lend this money either directly or through equipment leases to various businesses. Airlines are major borrowers for two reasons: they require a heavy investment in airplanes and they have never been financially strong enough to buy all their planes with funds generated by their profits. If an airline or any other borrower shows signs of potential inability to pay the interest or principal on its debt, the lenders (who are protecting, after all, other peoples' money) have a duty to impose certain terms (usually specified in advance in the loan agreement) on the borrower to safeguard their funds. In this sense a lender always has potential control (usually never exercised) over a borrower's activities. Chase's terms upon Texas International and various banks' recent relations with Pan Am are cases where this kind of control was exercised.

Insurance companies invest a portion of their funds in common stocks, as do mutual funds, individuals, pension funds, estates, trust accounts, etc. (Banks are prohibited from investing in common stocks themselves, but do so as counsellors to or managers of accounts held by individuals, estates and trusts.) The physical possession of stock certificates owned by all kinds of investors is often in banks, which use nominees to hold the stock for convenience in handling the stock certificates. The New York Stock Exchange for similar reasons uses a nominee (Cede & Co.) to hold the shares which are held by its member brokerage firms—this stock is *owned* by individuals and institutions doing business with the member brokerage firms. In no sense are nominees intended to disguise the accumulation of stock for control in any industry.

While it is true that insurance companies, pension funds, etc. are stockholders in airlines, their position in no case is more than 10 percent—a much larger interest would be necessary to exercise control. To say that banks use their stock ownership to control airlines is impossible, because banks are not owners of any common stocks except in rare instances. (By the way, contrary to what Mr. Pillai may believe, banks are regulated by state and federal authorities.) To say that Cede & Co. controls airlines is also impossible—that company's only function is to hold stock certificates owned by others.

It is also true that directors of some corporations serve on the boards of other corporations with men who are also directors of still different corporations. In come cases, airlines and banks are thus connected, as are many, many other companies, organizations and individuals. However to say that the First National City Bank of New York in this way controls Eastern Airlines through Corning Glass is absurd.

Mr. Pillai attributes the unprofitability of the airline industry to control by these institutions. But certainly if they did control the airlines it would be in their interest to make them as profitable as possible so that the stock they own would rise in price, more dividends would be paid, and interest and debt repayment would be more secure. Along this line, Mr. Pillai notes that Delta and Northwest have no lease obligations to banks and implies that this is the reason they are more profitable than the rest of the industry. In fact, of course, it's the other way around: Delta and Northwest don't have to use leases in financing their planes because they are more profitable, presumably due to superior management.

Perhaps some people might be suspicious of the fact that various institutions which are lenders to airlines are sometimes also owners of airlines' stock. However, this does not in itself constitute a conflict of interest, since both lenders and stockholders have an interest in seeing a company prosper. There would certainly be a conflict of interest if an institution used a controlling position in a company's stock to force the company to borrow funds from it at excessive rates, to order unnecessary equipment, or to pay unreasonable prices to its suppliers. But since the institution would thereby damage its own equity (stockholding) position, this would be a very peculiar practice indeed.

Airlines offer the same services and

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charge the same fares in almost all cases. If TWA charged less than United for a coach seat for the same route everybody would fly TWA and United's planes would be empty. The purpose behind the regulation of fares and the consequently limited competition among airlines is to protect the industry from price wars causing a drastic decline in profits, which could then ultimately result in all airlines except the strongest one or two closing down. In short, the absence of regulation could lead to a monopoly enterprise which could then charge whatever fares it wished. Congress established the Civil Aeronautics Board to prevent this from occurring through regulation of fares and routes, just as it had earlier established the ICC to regulate railroads after having seen the consequences of unregulated railroad competition in the late 19th century.

While in the early days of airlines the US government offered subsidies either directly or indirectly (through mail contracts) now only the local service carriers (Allegheny, Frontier, Hughes Air West, Ozark, North Central etc.) are subsidized, in order to provide airline flights to small cities and towns for which service otherwise would be not economically feasible. The major airlines receive no subsidy, direct or indirect. Fuel taxes and airport landing fees support the services provided by the FAA.

I don't want to imply that the present state of the industry is the best of all possible worlds. The airlines still earn relatively low profits, largely as a consequence of over-capacity resulting from having added too many planes in the late 1960s. (Competition in capacity is not regulated, and only certain East Coast-California routes have a capacity limitation agreement, which expires in April.) Some tightening or loosening of regulation may be a good idea. However, I don't think it can be shown that the industry or the public suffers from the manipulation of the airlines by banks, insurance companies or other capitalist hyenas postulated by Mr. Pillai, or that these institutions earn an excessive return on their investment in airlines.

Finally, Mr. Pillai says that airlines' over-ordering of aircraft constituted a poor allocation of resources which might better have been used for mass transit. While I certainly agree that this was a poor allocation of resources, I must point out that the airline industry is itself very much a part of mass transit – about 195 million passengers traveled an average of 750 miles each on US scheduled airlines in 1972.

Rollins Maxwell

In reply:

Mr. Maxwell says that the banks and insurance companies, being lenders of airlines, always have potential control over airlines' activities, but such control is never exercised. Immediately he adds that "Chase's terms upon Texas International and various banks' recent relations with Pan Am are cases where this kind of control was exercised." The mere existence of this discretionary power to exercise control over several airlines is illegal under the Federal Aviation Act, and this is what the article is about.

After admitting that the banks and insurance companies are capable of controlling airlines by virtue of the debtor-creditor relationship alone, Mr. Maxwell states that holding of 10 percent airline stock is insufficient to exercise control. In the first place, the law establishes the presumption of control when ownership of voting securities of an airline "entitles the holder thereof to cast 10 percentum of the aggregate votes" (section 408(f) of the Federal Aviation Act). Further, some individuals who hold just five percent voting stock currently control certain airlines. In the article I stated that as of December 1971 Chase Manhattan held six million shares. However, as of December 31, 1972 Chase held 12.8 million shares of nine trunk airlines. This represents 11 percent of the common shares of American, 15 percent of Western, 10.2 percent of Eastern, 9.5 percent of National and 9.5 percent of United. If Chase, the largest shareholder of these airlines, could not exercise control, the logical conclusion is that the stockholders do not control these airlines.

Mr. Maxwell states: "The major airlines receive no subsidy, direct or indirect. Fuel taxes and airport landing fees support the services provided by the FAA." It is well known that the major airlines still receive indirect subsidies in the form of revenues from US mail and military and naval contracts. Further, the general taxpayer paid $974 million of the total $1620 million FAA budget of 1972. The user taxes, etc. which were established in 1971 produced a revenue of only $646 million in 1972.

Similarly, Mr. Maxwell claims that Cede & Co. – a major holder of airline stock – could not control airlines because its "only function is to hold stock certificates owned by others." Cede functions more than as a depository of stock certificates. In response to a complaint filed by Ralph Nader's Aviation Consumer Action Project, Eastern Air Lines stated the following about Cede & Co.: "Eastern admits that Cede, as record holder from time to time of some of Eastern's common stock on the record date for Eastern's annual meeting exercises voting rights with respect to such shares. Eastern further admits that it does not have the names of the beneficial owners of any shares of Eastern's stock held by Cede" (CAB Docket 24525).

Mr. Maxwell argues that the banks are owning/controlling airlines only out of solicitude for the airlines' welfare, and therefore, the banks cannot make excessive profits at the airlines' peril. The banks which hold airline stock on behalf of customers are not compelled to bring profits to those customers by protecting the value of airline stock. These customers simply prefer to invest their moneys in non-risky public utility stock. (When the airlines become unprofitable, the CAB grants fare increases and keeps the companies from becoming bankrupt.) However, the banks amass the stock owned by various customers, cast block votes with respect to such stock, and exercise substantial control over airlines. This power of control is used to reap undue profits from the banks' multifarious transactions with the airlines. The reasonableness of these transactions is not subjected to the scrutiny of the CAB, even though it set a ceiling of 12.5 percent rate of return for the airlines.

Mr. Maxwell comes up with the theory that increased competition will ultimately produce monopoly. I believe that competition is essential to break up the existing airlines' "shared monopoly" because competition will increase efficiency, lower prices and, above all, diversify ownership and common control of airlines.

K. G. J. Pillai

Amnesty

Sirs:

Your editorial on amnesty ("Never, Never for Amnesty?", Feb. 17) was not wrong, but simply goofed off the issue

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to be faced. Which is: What exactly are the ground rules under which a citizen must sacrifice his life and/or conscience to a governmental purpose?

It seems a basic point of balance between private right and public obligation has been lost somewhere in Vietnam. The "presidential war" now demands as patriotic doctrine that men of draft age offer themselves to kill or be killed, regardless of personal conviction, not in defense of an imperiled nation but as instruments of whatever global policy may be pursued by the US administration in power during that time of their lives.

It has become customary that these policies are formed in secrecy, to be implemented under pretexts soon abandoned and later denounced by many most involved in inventing them. It also appears, vide the Pentagon Papers, that the policy-makers themselves have drifted further and further from consideration of any inherent individual right to life or moral autonomy among the masses (either military or civilian) they expend for strategic advantage.

This is the authoritarian, radical philosophy of a self-anointed power elite. By implication, it equates criticism with subversion, dissidence with anti-patriotism. It locates its own responsibility not in a public need but in a self-inspired vision of global dominance. Righteousness is an automatic assumption.

The Congress, designated by the Constitution as the monitor of overseas military commitment, has shirked this office out of sheer triviality. Congress follows the flag and the flag now goes wherever the President sends it. The Dominican Republic, Vietnam, Cambodia—anywhere.

The need is for a formal, explicit legislation—possibly of constitutional nature—forbidding the executive deployment of troops or military support outside the limits of the territorial US without an antecedent congressional declaration (by record vote) that a *clear and present danger* to the American national existence demands the action. That's radical, too. But under present circumstances nothing less can justify the exaction of life and conscience implicit in the military draft.

The question of any debt owed by those who refused service to those who did serve—and suffered—and to the community at large can only lie *within* the deeper question of using non-career—particularly drafted—manpower in a "presidential war." If the obligation itself is invalid, so necessarily is the argument that all must accept it because some did.

J. Whipple
Arlington, Va.

Kauffmann, *from page 20*

between Schneider and her boyfriend, Jean-Pierre Léaud, the hero of many a Godard and Truffaut film. These sequences, replete with the facile political radicalism of middle-period Godard, are also full of Godardian cinematic references. (The boyfriend is a filmmaker.) For a time I hoped that Bertolucci was satirizing the New Wave elements he was so patently cribbing, but the edge is never turned, we never see *behind;* and apparently Bertolucci is seriously using these 10-year-old references to characterize the youth of the boyfriend as against the maturity of Brando.

Toward the end the old New Wave merges with the old Bertolucci. Brando's character changes abruptly. For no reason given in the script—which is by Bertolucci and Franco Arcalli—the brute suddenly becomes a worm and crawls after the girl. Brando fails to keep a rendezvous with the girl; she breaks down and weeps; when he finally appears, she says it's over. Then, out of the blue, he begins to tease and whimper and plead (like a sclerotic Léaud). He tags along after her through the streets and into the (old-style Bertolucci) tango palace. When he later forces his way into her family's apartment, where she has fled, she shoots him with her father's pistol, which has been hammily "planted" beforehand. He dies on the balcony, curled up like a fetus—another elephantine Bertolucci touch. Brando's swift psychic regression and Schneider's urgency to kill him are pure theatrical hokum to make that fetus-finish possible.

The music by Gato Barbieri bleats banally. Along with the title credits Bertolucci uses two paintings by Francis Bacon—a man and a woman with corroded faces—the cheapest free ride on a superior artist's work since the use of Mozart in *Elvira Madigan.* The chromatic tones of the film are what Bertolucci is pleased to call "uterine," but what I would call corny golden-glow. The depth of his symbolism can be measured by his use of that tango contest as a figure of sexual emptiness and also as a hyper-clear source for the title.

That handsome and affecting actor, Massimo Girotti (of Antonioni's *Cronaca di un Amore),* is the quiet lodger-lover. Maria Schneider is a hip Raggedy Ann, pert and appealing, the kind of sexy puppy whose clothes always seem to be on the way off. But the film is built around Brando, and he is only partly satisfying. He still has a lot of his old hulky, door-punching power, his menace, his control that itself is a threat. Early in the picture he is a believable drowning man, screwing to keep afloat; and the role is tailored as close to him as possible, to give us the feeling of watching Brando himself in his own bedroom. (Those groaning ladies!) But some of the time he seems uncomfortable or silly, as in a bit of business with a dead rat that no actor could make either funny or even straightforwardly offensive. Some of the time in this capital-T Truthful picture, he is so patently made-up that he looks like an opera singer. And some of the time he mumbles his (English) dialogue like a night-club comic doing a Brando mumble. I've seen this film twice; the second time, by coincidence, was in Paris. It was only after I saw the French subtitle "*Nos enfants*" that I realized Brando says "Our children" after he is shot. The first time, in New York, without a French subtitle to help me with his English, I thought he said, "Ouch." In sum, his performance is a mixture: of the good things he always was and the good things he has not become.

Bertolucci is a mixture, too, but with him, it's an improvement. In *The Spider's Stratagem* and *The Conformist* he was like a Fifth Avenue window-dresser gone political. Now, less political, he is also less flashy, at least some of the time. Usually actors profit by directors; but who would be paying so much attention to this director if Brando were not in his film? How many would be calling him the genius of his generation? Also playing in Paris at the moment is a film called *In the Name of the Father,* by Bertolucci's countryman and contemporary, Marco Bellocchio. This generally brilliant film was shown in the US only at the New York Film Festival two years ago. No Brando, no hot sex, so no news-magazine covers. That Bertolucci should be hailed over Bellocchio is only the latest of the sorry jokes with which the history of film criticism is strewn.

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Where are the bikeways?

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You've probably heard a lot about today's bicycle boom and the many advantages bicycling offers. It is clean, quiet, inexpensive, energy-efficient, healthful — and fun. You might say the bicycle is one of the world's greatest inventions!

However, there *is* one big, sobering drawback: Bicycling in North America today simply isn't safe! An estimated 900 bicycle riders will be killed and more than 40,000 injured in bike-auto accidents this year alone in the United States. Most of these accidents could be avoided with adequate bikeways — separate pathways just for bicycles and safe routes in conjunction with roads.

But: *Where are the bikeways?* This country's 80 million cyclists have only 16,000 miles of bikeways, or about *13 inches for each bike rider*! Compare that with the 3 million miles of paved roads available to 90 million motorists. And most of the existing bikeways are far from ideal. Instead of protective curbing to separate bikes from autos, you usually find just white lines or signs along the road's edge, which do little more than lull both cyclists and motorists into a false sense of security.

Who is holding things up?

Why aren't our millions of bicycle-riding taxpayers provided with better, safer facilities? Because most government bodies continue to pump *our* money into still more roads, highways, and freeways. Their actions make us even more dependent on automobiles, which results in more smog, noise, and traffic congestion — not to mention depletion of the world's natural resources.

And what about the citizens who *must* rely on alternate transportation? Half of our nation's adults do without the automobile, by need or by choice. Yet no major bikeway, bus or rail transit funds have been made available, and proposals fall ridiculously short of the *real needs*. The problem is further compounded by the fact that attempts to solve our transportation dilemma with gas tax funds continue to meet vehement opposition from powerful road and highway lobbies.

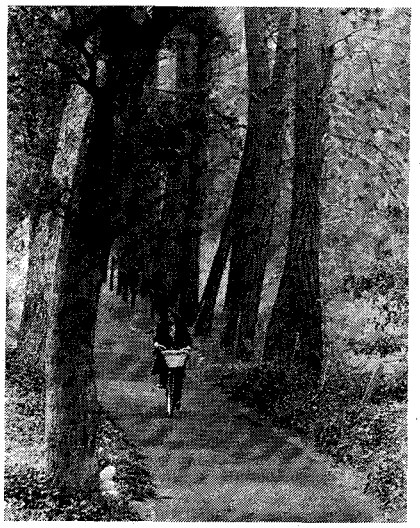

Photo by Jack Wilson

What could a bicycle community be like?

Here's a practical, viable alternative. Well-defined bikeways, separated from cars, radiate from residential neighborhoods to schools. On-street car parking gives way to protected bikeways on key thoroughfares. Bicycle storage facilities are located throughout the city. Commuters bicycle to public transportation stations, store their vehicles, and continue by bus or rail into commercial sectors of the city. Buses going into the countryside have racks to hold bicycles. Adequate bus and rail facilities play a key role, especially during bad weather. That's what we could have!

Friends For Bikecology is trying to help

Friends For Bikecology has been working two years for more and safer bikeways. We sponsored National Bikecology Week in May 1972, involving thousands of people in more than 70 cities throughout the nation. This activity served to publicize our ideas and goals and to win the support of many legislators and planners.

We have two main objectives. First, to see that bicycle, bus, and rail transportation receive an equitable share of public funds. In 1972, *$22 billion* of our gasoline and *property taxes* were spent in the United States for roads and highways, while *less than one billion* went for public transportation. And practically nothing was provided for bikeways! We must convince policy makers to support a balanced transportation system, including bikeways. Motorists will also benefit because congestion on roads and highways would be relieved.

Our second objective is to convince planners to "THINK BIKE!" They should see the bicycle as an essential part of the larger transportation system and an integral part of community life.

The facts are on our side. Traffic studies show that 43% of all urban work trips made by automobiles are four miles or less; and in 9 out of 10 trips, the driver is the sole occupant. These trips could just as easily be made on bicycles. Bicycles will even conserve the taxpayers' dollars. For example, a downtown auto parking structure costs approximately *$4000 for each car space* — enough to build an enclosed facility that can hold *150 bicycles*!

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How you can help Bikecology help you

We can help bring about needed changes that will benefit everyone.

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Ken Kolsbun

KEN KOLSBUN, Executive Director

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